

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

1 THE CLERK: Calling civil case 23-6188, Superb
2 Motors, Inc., et al., versus Deo, et al.

3 Counsel please state your appearances for the
4 record.

5 MR. KATAEV: Good afternoon. Emanuel Kataev for
6 the Superb plaintiffs.

7 THE COURT: Good afternoon, Mr. Kataev.

8 MR. KATAEV: Good afternoon.

9 MR. FELSEN: Good afternoon, your Honor. Jamie
10 Felsen for the Superb plaintiffs.

11 THE COURT: Good afternoon, Mr. Felsen.

12 MR. LEVINE: Good afternoon, your Honor. Brian
13 Levine here for the Deo defendants.

14 THE COURT: Mr. Levine, you had one small thing
15 to address?

16 MR. LEVINE: From my reading of your memorandum
17 order you ordered a hearing with respect to the location
18 of the 43 identified vehicles that have come to be missing
19 or the whereabouts unknown.

20 THE COURT: Right.

21 MR. LEVINE: That was pursuant to the
22 plaintiff's alternative request for an evidentiary hearing
23 to help locate the 43 vehicles 'whereabouts.

24 Based upon a review of the proposed exhibits
25 that were filed by the plaintiffs, it appears that there's

1 a whole bunch of exhibits that have absolutely nothing to
2 do with this particular issue over the scope of this
3 hearing or the order, and my concern is that there's going
4 to be some type of --

5 THE COURT: The scope of the hearing.

6 MR. LEVINE: Yes.

7 THE COURT: That was the reaction I had when I
8 saw the witness and exhibit list.

9 MR. LEVINE: I'm glad.

10 THE COURT: Let's just set the stage here.

11 On September 29th of last year Judge Merchant
12 issued the order for the preliminary injunction and in
13 that order she stated that the 30, what she called,
14 injuncted Superb vehicles and six injuncted Deo vehicles
15 were to remain in their respective lots and that none of
16 those could be removed without a court order.

17 Following her order, Mr. Kataev, Mr. Felsen, you
18 moved to modify the preliminary injunction order, stating
19 that she really didn't consider the remaining 43 vehicles
20 and at that time, after briefing on that motion, I issued
21 the decision I think which is what Mr. Levine was
22 referring to, the January 18th decision, where I granted
23 in part and denied in part that motion but left open the
24 issue of the location of the 43, the remaining 43 vehicles
25 and those 43 vehicles appear on several lists, but I think

1 the easiest way to look at the 43 we are talking about is
2 the appendix to my decision of January 18th. Those are
3 the 43 vehicles we are talking about.

4 Therefore, the scope of today's hearing is
5 somewhat narrow. We are not trying the case today. This
6 is a modification of a preliminary injunction. This isn't
7 a trial on the merits. We are not determining ownership
8 today. We are not determining where these should go. We
9 are determining the location of each of the 43 vehicles
10 and that's it. I looked at the exhibit list as well and
11 saw all sorts of things listed, CARFAX reports, cash
12 receipts, title documents, vehicle list deposit slips. I
13 don't know what they have to do with ownership.

14 Mr. Kataev, it is your burden on this motion
15 because it's your motion to modify the preliminary
16 injunction and I granted it in part and set up this
17 hearing because we didn't know where these 43 vehicles
18 were. Nobody could tell us where the 43 vehicles are.

19 That's what the hearing is about.

20 MR. KATAEV: Can we have a sidebar on this, your
21 Honor, to not affect witness testimony?

22 THE COURT: Witnesses are in the courtroom now?

23 MR. KATAEV: They are.

24 THE COURT: Come on up.

25 (Continued on next page.)

1 (Sidebar.)

2 MR. KATAEV: We understand the court's concerns
3 and that it's a limited scope hearing.

4 THE COURT: Yes.

5 MR. KATAEV: But there is a story to this that
6 has to be told because the court will be assessing
7 credibility and they are going to lie about what happened
8 with these vehicles and we have evidence --

9 THE COURT: I don't care what happened to them.
10 That's not what we are trying today.

11 It's very focused. The order is very clear that
12 all we are determining is location, where are they. Later
13 you can argue they were stolen, they were transferred,
14 they were in violation of Judge Merchant's order. I am
15 not precluding you at a later time, but this is not the
16 trial in the case.

17 MR. KATAEV: I agree this is not the trial.

18 But I think it's necessary for the court to know
19 the full scope and circumstances and I ask for a little
20 bit of leeway.

21 THE COURT: I'll give you a little bit of
22 leeway, but if it doesn't address location I'm going to
23 cut the witness off.

24 This is a preliminary injunction hearing on a
25 modification of a preliminary injunction on a limited

1 issue of location of vehicles. Honestly, it could have
2 been done on papers but if you still don't know where the
3 43 vehicles are --

4 MR. FELSEN: Your Honor, there's tons of cash
5 missing.

6 Yes, there's titles, but we don't know --

7 THE COURT: I don't care about the cash. I
8 don't care about titles.

9 All I care about is we have 43 vehicles I
10 identified in my order where are they.

11 MR. KATAEV: One more point.

12 Besides location, which is important, we have a
13 dealership that has to account for the vehicles. There is
14 an accounting issue.

15 THE COURT: That is not part of the open motion.

16 MR. LEVINE: That's monetary issues.

17 THE COURT: That's monetary relief.

18 MR. KATAEV: It's beyond monetary. There is an
19 accounting issue.

20 THE COURT: I'm telling you it's beyond the
21 scope of today's hearing.

22 We are not doing a trial on the merits.

23 MR. LEVINE: Just two things, one related to
24 this.

25 THE COURT: Yes.

1 MR. LEVINE: And one not.

2 I don't know why nobody decided to do this but I
3 called the Nassau County Police Department and they are in
4 possession of one of the vehicles. The one that was
5 subject to being stolen, that was never returned to the
6 lot. It's literally -- I have the case number, the
7 Deck-Tec --

8 MR. KATAEV: One of the 30 injuncted vehicles?

9 MR. LEVINE: One of the 43 on the missing list.

10 THE COURT: How do you plan on proceeding,
11 vehicle by vehicle?

12 MR. KATAEV: We have examples, strong examples
13 to show the court what we believe happened.

14 THE COURT: I don't care about what happened.

15 You are not listening to me. I don't care what
16 happened. That is ultimately the relief you are seeking
17 in the case. They did all these bad things and you should
18 be compensated or the vehicles returned, I get it.

19 This hearing is a hearing, not a trial on the
20 merits, it is a hearing to determine location of vehicles.
21 That's it.

22 MR. KATAEV: Right.

23 MR. LEVINE: In terms of the current 30
24 vehicles, we are concerned about the lots empty where --
25 and most recently my client looked and we looked too, you

1 guys shut down, Superb Motors doesn't have a license, a
2 wholesale license or a retail license.

3 Team Motor Sales doesn't exist. It's a DBA.

4 THE COURT: Again, that's not --

5 MR. LEVINE: I'm saying, is this something I can
6 bring in a motion?

7 MR. KATAEV: Yes.

8 But basically the answer is four lots were open
9 pursuant to the order.

10 MR. LEVINE: Okay.

11 THE COURT: You guys can talk about this
12 offline. This hearing is about location. That's what I
13 want to hear about today. That's what I ordered. That's
14 what it's about.

15 All the other relief was granted or denied in my
16 order and the only thing left is to identify so we can
17 create a list of where the vehicles are and where they are
18 going to remain.

19 MR. KATAEV: We anticipate, for example, that
20 the defendants will say Mr. Deo will say that wasn't my
21 responsibility to do X, Y, and Z.

22 Am I not allowed to get into his
23 responsibilities?

24 THE COURT: What does that have to do with
25 location?

1 MR. LEVINE: You are saying the vehicles within
2 my client's location.

3 I figured you would come up with that evidence
4 shows my client actually has them.

5 THE COURT: This has to do with location. I'm
6 not assessing what did what.

7 Maybe they are in a different location than they
8 were in September. I don't care for this hearing. This
9 hearing is only on location. We are not trying the case.

10 MR. LEVINE: We are trying --

11 THE COURT: Hold on.

12 MR. LEVINE: Okay.

13 THE COURT: We expedited discovery so we can
14 have a trial in early fall on everything and that's where
15 that evidence is going to come in, not this, which is
16 limited.

17 I saw the list too and I wasn't quite sure where
18 you were going.

19 MR. KATAEV: We anticipated Mr. Deo is going to
20 say it wasn't my responsibility to know where the vehicles
21 are.

22 THE COURT: I don't care about the
23 responsibility. That's for trial on the merits.

24 Today it's where is it, either he knows or he
25 doesn't, and you were supposed to bring witnesses and

1 documents today showing location of vehicles.

2 MR. KATAEV: And if he says he doesn't recall I
3 can't challenge him with exhibits showing his role and
4 what he's supposed to do?

5 THE COURT: Again, I'm not sure why.

6 MR. FELSEN: If they were responsible for being
7 at the dealership for audits, they knew where the cars
8 were at all times.

9 We want to be able to provide that background
10 information to get testimony.

11 THE COURT: How does that establish location of
12 vehicles?

13 MR. FELSEN: They knew where the vehicles were
14 when they were at Superb.

15 THE COURT: That's what I want to hear.

16 MR. KATAEV: It's background.

17 THE COURT: Understand this, this is not the
18 trial on the merits.

19 I see exhibits on this list that in my view have
20 nothing to do with location but maybe you will show me
21 otherwise but this isn't going on for days and days and
22 days. It's not the trial on the merits. We are not
23 back-dooring into a hearing on modification of an
24 injunction that I already decided and this is only a
25 hearing to determine location.

1 MR. KATAEV: Okay.

2 THE COURT: All right.

3 MR. KATAEV: Our questions are focused on the
4 vehicle location. There is some background that has to
5 go.

6 THE COURT: Just be forewarned.

7 MR. KATAEV: Thank you, your Honor.

8 THE COURT: Thank you.

9 (Sidebar concluded.)

10 (Continued on next page.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 (In open court.)

2 THE COURT: Just to be clear, the scope of this
3 hearing is limited and it's limited only to the precise
4 whereabouts of the vehicles, the 43 vehicles remaining,
5 vehicles as set forth in my order at Docket Entry 134,
6 page six, and nothing more, because this is a modification
7 of the motion to modify the injunction which has already
8 been decided and all this hearing has to do with is to
9 determine location of the 43 remaining vehicles.

10 Mr. Levine, I have your exhibit binder.
11 Mr. Kataev or Mr. Felsen, do you have an exhibit binder
12 for me?

13 MR. KATAEV: We don't have a binder, your Honor.
14 We are going to present them as they come.

15 THE COURT: With that limitation of the scope of
16 this hearing, you may proceed, Mr. Kataev.

17 MR. KATAEV: The plaintiffs call defendant
18 Anthony Deo.

19 THE COURT: Okay.

20 THE COURT: Mr. Deo, if you could come to the
21 stand, please.

22 Any applications under Rule 615 to exclude
23 witnesses?

24 MR. KATAEV: No, your Honor.

25 MR. LEVINE: Yes, your Honor.

1 I think it would be beneficial for the court if
2 the witnesses that will be testifying today do not hear
3 the testimony from other individuals because that might
4 affect their memory.

5 THE COURT: But what I cannot do under Rule 615
6 is exclude parties or party representatives.

7 So what witnesses fall within those categories
8 of witnesses that can be excluded that you would like to
9 exclude?

10 MR. LEVINE: I believe -- I would argue that
11 Superb Motors Inc., everybody other than Mr. Urrutia would
12 be just a regular witness.

13 THE COURT: So any natural party person can
14 remain.

15 But if it's a nonparty witness, who are the
16 nonparty witnesses?

17 MR. KATAEV: Your Honor, we have Eugene Lowe,
18 Yvonne McCoy and Kendra Kernizant in the back.

19 THE COURT: Eugene Lowe, Kendra Kernizant and
20 the third?

21 MR. KATAEV: Yvonne McCoy.

22 THE COURT: Everybody else is either a party or
23 a party representative?

24 MR. KATAEV: That's correct, your Honor.

25 THE COURT: Mr. Levine, you agree?

1 MR. LEVINE: Yes.

2 THE COURT: Okay.

3 So I'm going to ask Mr. Lowe, Ms. McCoy and
4 Kendra Kernizant to step outside and they can wait in the
5 attorney rooms or somewhere outside the courtroom until
6 they are called.

7 MR. FELSEN: Your Honor, on the defense side
8 Efaz Deo is a nonparty.

9 MR. LEVINE: I'm sorry. That's correct.

10 THE COURT: Hold on a second.

11 (There was a pause in the proceedings.)

12 THE COURT: They are on your list too.

13 MR. LEVINE: He's Mr. Deo's son, which I don't
14 even know whether they are still going to call him.

15 THE COURT: He's not a corporate rep, right?

16 MR. KATAEV: No.

17 THE COURT: Is he here?

18 I'm going to ask you to step outside as well.

19 (There was a pause in the proceedings.)

20 THE COURT: Any other nonparties, or
21 noncorporate representatives left?

22 No.

23 MR. KATAEV: I don't believe so, your Honor.

24 THE COURT: Mr. Levine?

25 MR. LEVINE: No.

A. Deo - Direct/Kataev

15

1 THE COURT: You may proceed.

2 MR. KATAEV: Good afternoon, Mr. Deo.

3 THE COURT: Hold on a second.

4 Doreen has to swear in the witness.

5 THE CLERK: Please raise your right hand.

6 **ANTHONY DEO,**

7 having been duly sworn, testified as follows:

8 THE CLERK: Please be seated, and state and
9 spell your name for the record.

10 THE WITNESS: It's Anthony Deo, A-N-T-H-O-N-Y,
11 last name D-E-O.

12 THE COURT: Thank you, Mr. Deo. Good afternoon.
13 You may proceed.

14 **DIRECT EXAMINATION**

15 **BY MR. KATAEV:**

16 Q. Mr. Deo, you took over as a general manager of Superb
17 Motors in November 2022, correct?

18 A. No.

19 Q. When did you first take over as general manager?

20 A. I didn't.

21 Q. What was your role at Superb Motors?

22 A. Partner.

23 Q. And what was your percentage of ownership?

24 A. 49.

25 Q. You first started visiting the dealership in November

A. Deo - Direct/Kataev

16

1 2022, correct?

2 A. Yes.

3 Q. You became a shareholder because you paid \$500,000,
4 correct?

5 MR. LEVINE: Objection, scope.

6 THE COURT: Sustained.

7 BY MR. KATAEV:

8 Q. As part of your deal to become a shareholder of
9 Superb, you offered Mr. Urrutia 25 percent ownership in --

10 MR. LEVINE: Objection.

11 THE COURT: Sustained.

12 Sidebar, please.

13 (Continued on next page.)

14

15

16

17

18

19

20

21

22

23

24

25

A. Deo - Direct/Kataev

17

1 (Sidebar.)

2 THE COURT: You are not doing a deposition here.
3 You are not doing the trial here.

4 If he doesn't get the location in the next
5 couple of questions you are going to move to your next
6 witness. Got it?

7 MR. KATAEV: Judge, he kept the vehicles at --

8 THE COURT: I want to know where they are.

9 MR. KATAEV: I understand, but I need to
10 establish the background.

11 THE COURT: What does ownership matter? I don't
12 care if he's the security guard that locks the gate. I
13 want to know where the vehicles are.

14 I'm telling you we are not going to go much
15 further with these witnesses. This is not the trial on
16 the merits.

17 MR. KATAEV: I understand, but -- it's
18 background.

19 THE COURT: I don't need background. I need
20 location.

21 MR. LEVINE: Do you want me to recall him on my
22 case in chief?

23 THE COURT: No.

24 When he's done with him you will be limited on
25 cross, but if he goes to location you will ask him

A. Deo - Direct/Kataev

18

1 questions on location.

2 MR. FELSEN: Your Honor, can we take a quick
3 recess?

4 THE COURT: Recess, already?

5 MR. FELSEN: Just to regroup.

6 THE COURT: Take five.

7 MR. KATAEV: And just so we are all on the same
8 page, we are treating the witness as adverse?

9 THE COURT: Yes, for you, probably not for him
10 but we'll see.

11 MR. KATAEV: Okay.

12 THE COURT: That gets determined as it goes.
13 Take five.

14 MR. KATAEV: Thank you.

15 (Sidebar concluded.)

16 (Continued on next page.)

17

18

19

20

21

22

23

24

25

A. Deo - Direct/Kataev

19

1 (In open court.)

2 THE COURT: We are going to take a five-minute
3 recess so the lawyers can talk and we'll be back.

4 (Recess.)

5 THE COURT: Okay. We are ready to go.

6 MR. KATAEV: Yes, your Honor.

7 THE COURT: Mr. Kataev, you may proceed.

8 BY MR. KATAEV:

9 Q. Mr. Deo, one of the 43 vehicles that are missing is a
10 2019 Ford Mustang EcoBoost, correct?

11 A. I --

12 THE COURT: Let's do this, let's mark as Exhibit
13 1 your Exhibit 3, so we can all be looking at the same
14 page when we are talking about cars.

15 You want to keep the same exhibit numbers as you
16 have in your list?

17 MR. KATAEV: No. We can mark it as 1.

18 THE COURT: I don't want to confuse everybody.

19 Why don't we call it Plaintiff Exhibit 3. Do
20 you have a copy, Mr. Levine?

21 MR. LEVINE: I do not.

22 THE COURT: Plaintiff Exhibit 3 is the list --

23 MR. LEVINE: I have it.

24 It's just with my own markings.

25 THE COURT: Okay.

A. Deo - Direct/Kataev

20

1 (Plaintiff Exhibit 3 in evidence.)

2 MR. KATAEV: Can we display this on the ELM0?

3 THE COURT: Any objection to the exhibit?

4 MR. LEVINE: It might make it easier on the left
5 margin if we just number the vehicles 1 to 43.

6 THE COURT: They each have different stock
7 numbers, but, yes.

8 MR. KATAEV: I'll put the numbers.

9 MR. LEVINE: This way we can say vehicle 12 or
10 15 instead of searching for the stock number.

11 THE COURT: Are you marking that up now?

12 MR. KATAEV: Yes, your Honor.

13 THE COURT: We'll make quick copies of it so we
14 all have it.

15 MR. KATAEV: I want to give out an exhibit I
16 want to use in conjunction with that list.

17 Is that okay?

18 THE COURT: Yes.

19 Which is this?

20 MR. KATAEV: This is a CARFAX for the Ford
21 Mustang.

22 MR. LEVINE: I'm going to object to the use of
23 this exhibit.

24 It's hearsay.

25 MR. KATAEV: It's a publicly available document,

A. Deo - Direct/Kataev

21

1 your Honor.

2 THE COURT: You have to establish the
3 authenticity of this document. I have no idea.

4 Are you able to establish a foundation?

5 MR. KATAEV: Sure.

6 THE COURT: Okay.

7 MR. KATAEV: We are waiting for the list to
8 continue or I can start?

9 THE COURT: You can go ahead with this.

10 What is this marked as for identification?

11 MR. KATAEV: Plaintiff Exhibit 2.

12 THE COURT: This is Plaintiff Exhibit 2.

13 MR. KATAEV: Does the witness have that list?

14 THE COURT: Provide the witness with
15 Plaintiff Exhibit 3.

16 You have that list before you, Mr. Deo?

17 THE WITNESS: Yes, I do.

18 BY MR. KATAEV:

19 Q. Mr. Deo, in front of you are two documents,
20 Plaintiff Exhibit 2, which is a CARFAX report for a
21 particular vehicle, and Plaintiff Exhibit 3, which is a
22 list of the 43 vehicles numbered 1 through 43.

23 I want to direct your attention to
24 Plaintiff Exhibit 3, please, and I'd like for you to look
25 at number 20.

A. Deo - Direct/Kataev

22

1 THE COURT: That's stock number SU 1130,
2 correct?

3 MR. KATAEV: Yes, your Honor.

4 THE COURT: Okay.

5 BY MR. KATAEV:

6 Q. Do you see that vehicle listed?

7 A. Yes.

8 Q. Do you recognize this as one of the 43 vehicles that
9 are part of this hearing?

10 A. It's on the list.

11 Q. In the course of operating dealerships, you use
12 CARFAX with customers, correct?

13 A. CARFAXes, yes.

14 Q. And CARFAX is a business that provides in the
15 ordinary course of business reports about vehicles and
16 where they are, including their mileage, correct?

17 A. It's used for accident purposes.

18 Q. It's used as, among other things, to see if there's
19 any accidents, correct?

20 A. Correct.

21 Q. It also shows ownership history and other information
22 about any particular vehicle, correct?

23 A. Not precise.

24 It doesn't state the name of an owner.

25 MR. LEVINE: Your Honor, I don't believe my

A. Deo - Direct/Kataev

23

1 client can authenticate this document.

2 It was based --

3 THE COURT: Hold on.

4 Let's not make any suggestions to the witness.

5 MR. LEVINE: Okay.

6 THE COURT: He's trying to lay the foundation.

7 Let's see if he does it.

8 BY MR. KATAEV:

9 Q. Let's go to page five.

10 THE COURT: Page five of what?

11 MR. KATAEV: Of Plaintiff Exhibit 2, the CARFAX.

12 THE COURT: These are unnumbered pages, so it's
13 the fifth page?

14 MR. KATAEV: That's correct, your Honor.

15 THE COURT: That starts with 2/25/23?

16 MR. KATAEV: That's correct, your Honor.

17 BY MR. KATAEV:

18 Q. In the middle of the page on the entry dated April
19 28, 2023, that says the vehicle was listed for sale at
20 Superb Motors, correct?

21 MR. LEVINE: Objection, again.

22 THE COURT: Sustained.

23 If you want this in you have to lay a better
24 foundation. I don't know the authenticity of this
25 document.

A. Deo - Direct/Kataev

24

1 BY MR. KATAEV:

2 Q. In the course of performing your duties at Superb
3 Motors you routinely used CARFAX to pull reports on
4 vehicles, correct?

5 A. To check for accidents.

6 Q. And if you look at Plaintiff Exhibit 3 next to number
7 20 there is a VIN number, correct?

8 A. Yes.

9 Q. That VIN number ends in 90020, is that right?

10 A. Yes.

11 Q. And on the first page of this document the VIN number
12 listed is the same one, correct?

13 MR. LEVINE: Objection, hearsay.

14 THE COURT: Sustained.

15 Does this tell us location of the vehicle,
16 Mr. Kataev?

17 MR. KATAEV: It does at a particular point in
18 time, your Honor.

19 THE COURT: Okay.

20 I want to know today.

21 BY MR. KATAEV:

22 Q. As of April 28, 2023, this vehicle was located at
23 Superb, correct?

24 A. I don't know.

25 THE COURT: That's it on Plaintiff Exhibit 2?

A. Deo - Direct/Kataev

25

1 BY MR. KATAEV:

2 Q. Let's go to Plaintiff Exhibit 1, which is ECF Docket
3 Entry 30-8.

4 THE COURT: Plaintiff Exhibit 2 is not in
5 evidence.

6 MR. KATAEV: That's fine.

7 I will offer it subject to connection.
8 Permission to approach.

9 THE COURT: Yes.

10 Mr. Kataev, I want clarification. We were going
11 to keep your exhibit numbering, yours and Mr. Levine's.
12 You just marked that CARFAX report as Exhibit 2, but
13 Exhibit 2 on your list is a list of 89 Team Auto Sales and
14 Superb Motor Sales vehicles. It is not a CARFAX report.

15 MR. KATAEV: I think it's number four, CARFAX
16 report but it's for all 43 vehicles.

17 I think we are better off using exhibit numbers
18 from the beginning instead of the list.

19 MR. LEVINE: Just to clarify, this CARFAX report
20 is plaintiff --

21 MR. KATAEV: We marked that as 2.

22 THE COURT: Hold on.

23 Where is this CARFAX report on your exhibit
24 list? Is it number five?

25 MR. KATAEV: Yes.

A. Deo - Direct/Kataev

26

1 THE COURT: And 5 apparently contains a lot of
2 CARFAX reports?

3 MR. KATAEV: That's exactly right.

4 THE COURT: Okay.

5 MR. KATAEV: Which is why I don't want to follow
6 the numbers from this exhibit.

7 MR. LEVINE: You want to do 5 A, 5 B, 5 C?

8 THE COURT: That's what we should do.

9 I want to keep the numbering you have on your
10 list so everybody can follow. The two that you offered
11 will be 2 A, again, not in evidence, but offered.

12 MR. KATAEV: Correct.

13 THE COURT: So far we have marked
14 Plaintiff Exhibit 3, which is in evidence,
15 Plaintiff Exhibit 2 A, which is not.

16 You may proceed.

17 BY MR. KATAEV:

18 Q. Looking at the document that's marked at the top of
19 the header 30-8, this is a list that you submitted with
20 the declaration, correct?

21 A. At arbitration, yes.

22 Q. And these notes on the right for each vehicle
23 represent what you state as to location of the vehicle for
24 each of these 43 vehicles, correct?

25 A. To my best knowledge at that time.

A. Deo - Direct/Kataev

27

1 Q. If you go to page three of four, and go to the ninth
2 vehicle from the top, it says 2019 Ford Mustang.

3 Do you see that?

4 A. Ford Mustang, yeah.

5 Q. You wrote that this was sold in June 2023, correct?

6 A. Yes.

7 Q. And this statement by you is consistent with what's
8 in the CARFAX report, correct?

9 MR. LEVINE: Objection, hearsay.

10 THE COURT: Overruled.

11 You may answer.

12 BY MR. KATAEV:

13 Q. Take a look at page five of the CARFAX report.

14 A. It says July.

15 Q. It says that the vehicle was offered for sale April
16 28th and was sold in July, correct?

17 MR. LEVINE: Your Honor, the CARFAX report is
18 not in evidence.

19 THE COURT: He's just asking for a comparison.

20 He still hasn't offered it and it's still not in
21 evidence.

22 BY MR. KATAEV:

23 Q. Is that right?

24 A. I'm sorry. Repeat that.

25 Q. It says on the CARFAX report it was offered for sale

A. Deo - Direct/Kataev

28

1 April 28th and sold on July 5th, correct?

2 A. It says there was a new owner July 5th.

3 Q. Okay.

4 A. A new title.

5 Q. And based on this report you can conclude that this
6 vehicle was sold while you were at Superb, correct?

7 THE COURT: Sustained.

8 This is not in evidence.

9 BY MR. KATAEV:

10 Q. Does this CARFAX report represent an accurate report
11 of what happened with this vehicle?

12 MR. LEVINE: Objection.

13 THE COURT: Sustained.

14 MR. KATAEV: I'll offer Exhibit 1, it's a
15 payment receipt.

16 THE COURT: Plaintiff Exhibit 1, that's a list
17 of 120 Team Auto Sales and/or Superb Motors owned
18 vehicles, is that right?

19 MR. KATAEV: I believe so.

20 THE COURT: Mr. Deo, let me ask you some
21 questions.

22 You have Plaintiff Exhibit 3 before you?

23 THE WITNESS: Is that this?

24 THE COURT: You tell me. It should say
25 Plaintiff Exhibit 3 on it.

A. Deo - Direct/Kataev

29

1 Is it not marked? Did you mark these,
2 Mr. Kataev?

3 MR. KATAEV: I have not, your Honor.

4 THE COURT: Do you have exhibit tabs or
5 stickers?

6 MR. KATAEV: No.

7 THE COURT: Do we have them?

8 Let's mark them.

9 (There was a pause in the proceedings.)

10 THE COURT: We have stickers here, Mr. Kataev.
11 If you would just mark the exhibits for the
12 witness.

13 MR. KATAEV: Yes.

14 THE COURT: Is that Exhibit 3?

15 MR. KATAEV: I offered 1, your Honor.

16 THE COURT: I have questions for him about 3 but
17 he doesn't know which is Exhibit 3.

18 So we need to mark Exhibit 3.

19 MR. KATAEV: Understood. My apologies.

20 MR. LEVINE: Is 3 the list --

21 THE COURT: Yes, 56-2 on the ECF, the list.

22 MR. LEVINE: And then the one -- 30-8 is which
23 exhibit?

24 THE COURT: Mr. Deo, do you have Exhibit 3 in
25 front of you?

A. Deo - Direct/Kataev

30

1 THE WITNESS: Yes, your Honor.

2 THE COURT: Have you reviewed Exhibit 3, the 43
3 vehicles?

4 THE WITNESS: Yes, your Honor.

5 THE COURT: Do you know the location of any one
6 of these 43 vehicles today?

7 THE WITNESS: No, your Honor.

8 THE COURT: Okay.

9 Anything further, Mr. Kataev?

10 MR. KATAEV: Just a second to confer with my
11 colleague?

12 THE COURT: Go ahead.

13 (There was a pause in the proceedings.)

14 MR. KATAEV: I have nothing further on this
15 vehicle, your Honor, but I'm moving to the next vehicle.

16 THE COURT: No.

17 I asked him about all 43. He just testified he
18 didn't know the location of any of these 43. What more do
19 you have for this witness?

20 MR. KATAEV: I have exhibits to show him about
21 other vehicles that would refresh his recollection as to
22 their location.

23 THE COURT: Then let's get to that.

24 That will establish location, Mr. Kataev?

25 MR. KATAEV: I hope so.

A. Deo - Direct/Kataev

31

1 THE COURT: All right.

2 You may proceed.

3 MR. KATAEV: I'm marking this as 4.

4 THE COURT: This is a proof of ownership?

5 MR. KATAEV: Yes, your Honor.

6 THE COURT: This will be 4 A because it looks
7 like you have multiple documents within your 4, is that
8 correct?

9 MR. KATAEV: No. This is a different exhibit.

10 THE COURT: We are keeping the same exhibit
11 numbering as your exhibit list.

12 MR. KATAEV: This is email correspondence.

13 THE COURT: Where is it on your exhibit list?

14 MR. KATAEV: I don't know right now.

15 THE COURT: Is it 18?

16 MR. KATAEV: I believe it's 18. We can make it
17 18 A.

18 THE COURT: I believe it's 18.

19 We are keeping the same numbers you have on your
20 list. So that's 18.

21 MR. KATAEV: Okay.

22 BY MR. KATAEV:

23 Q. Mr. Deo, looking at Exhibit 18 A, this is an email
24 that you sent and received on April 29th, correct?

25 A. I sent, yes.

A. Deo - Direct/Kataev

32

1 Q. If you look on the back of the page, on the bottom of
2 page one it says Bruce Novicky sent you an email and asked
3 you about cars that were found that were sold but not
4 billed out and asked you for information on them.

5 Do you see that?

6 A. Yes.

7 Q. And you sent and received this email in the course of
8 your duties at Superb Motors, correct?

9 A. Say again.

10 Q. You sent and received these emails in the course of
11 performing duties for Superb Motors, correct?

12 A. Sent emails, yes.

13 MR. KATAEV: I offer this into evidence as
14 Plaintiff Exhibit 18 A.

15 THE COURT: Any objection, Mr. Levine?

16 MR. LEVINE: No objection.

17 THE COURT: It is in evidence, Exhibit 18 A is
18 in evidence.

19 (Plaintiff Exhibit 18 A in evidence.)

20 BY MR. KATAEV:

21 Q. Now looking on the bottom of page one into the next
22 page, Mr. Novicky is asking you for detail of certain
23 stock numbers, right?

24 A. Certain stock numbers, yes.

25 Q. And on the first page you answer him at 3:23 p.m.

A. Deo - Direct/Kataev

33

1 following his 1:56 p.m. email, correct?

2 A. Yes.

3 Q. And you immediately knew the answers within about an
4 hour to the location of all these vehicles, correct?

5 THE COURT: Mr. Deo, does this email in any way
6 address location of vehicles?

7 THE WITNESS: No, your Honor.

8 THE COURT: Go ahead, Mr. Kataev.

9 BY MR. KATAEV:

10 Q. Looking at the third car, SU 00819 A, you said on
11 April 29th that this is that Silverado that does not
12 exist.

13 Do you see that?

14 A. Yes.

15 Q. What did you mean by that, that this Silverado does
16 not exist?

17 MR. LEVINE: Objection.

18 THE COURT: Overruled.

19 Mr. Kataev, is this a vehicle that's on the 43?

20 MR. KATAEV: It is, your Honor.

21 THE COURT: What number on Exhibit 3 would it
22 be?

23 MR. KATAEV: It is number six, your Honor.

24 THE COURT: Number six is SU 1307.

25 This is SU -- you asked him about which one,

A. Deo - Direct/Kataev

34

1 SU 819 A?

2 MR. KATAEV: It's the same vehicle, your Honor.

3 The stock number changed.

4 Overall we are offering it subject to
5 connection.

6 MR. LEVINE: Say that again.

7 MR. KATAEV: It's the same number. The stock
8 number changed.

9 We are offering it subject to connection.

10 BY MR. KATAEV:

11 Q. The question was, what does it mean that that
12 Silverado that does not exist?

13 A. What's the VIN number of the SU 0819 A?

14 Q. It ends in 3394, the exact VIN number is
15 3GCPYFED9MG3833 --

16 THE COURT: How are you establishing that?

17 That SU 819 A is that VIN which is the same VIN
18 as SU 1307?

19 MR. KATAEV: I have other exhibits, your Honor.

20 THE COURT: You better show the witness.

21 MR. KATAEV: I'm just trying to understand what
22 he meant by this vehicle does not exist.

23 We are here to ascertain the location of
24 vehicles and he says a vehicle doesn't exist that is in
25 our stock system.

A. Deo - Direct/Kataev

35

1 THE COURT: I understand, but we are here to
2 determine what are the location of the 43 vehicles and
3 Exhibit 18, specifically SU 819 A, is not one of the 43
4 vehicles on the list of Exhibit 3.

5 Now, you tell me that the stock numbers have
6 changed but there's been no evidence of that, no
7 witnesses. I have no idea. All I'm looking at is stock
8 numbers. I have 43 different stock numbers and none of
9 which is SU 819 A.

10 MR. KATAEV: I'm going to present another
11 exhibit to help.

12 THE COURT: I'm sorry?

13 MR. KATAEV: I'm going to present another
14 exhibit that's going to help the witness.

15 THE COURT: What is this now?

16 MR. KATAEV: 5 B.

17 THE COURT: This is another CARFAX report?

18 MR. LEVINE: Note my objection.

19 THE COURT: We'll see.

20 5 B for identification.

21 BY MR. KATAEV:

22 Q. Looking at your Plaintiff Exhibit 3, at line number
23 six, the VIN number for the Chevy Silverado matches the
24 VIN number on this CARFAX report.

25 Correct?

A. Deo - Direct/Kataev

36

1 MR. LEVINE: Objection.

2 THE COURT: Sustained.

3 It's not in evidence.

4 BY MR. KATAEV:

5 Q. Mr. Deo, this is a CARFAX report that was pulled for
6 the vehicle in question, correct?

7 MR. LEVINE: Objection.

8 He has no idea where this came from.

9 THE COURT: Sustained.

10 BY MR. KATAEV:

11 Q. In the course of your duties at Superb and at other
12 dealerships you routinely used CARFAX to pull vehicle
13 reports, correct?

14 A. We use CARFAX, yes.

15 Q. And this CARFAX report is familiar to you in the
16 sense that it's a vehicle report for a particular vehicle,
17 right?

18 MR. LEVINE: Objection.

19 THE COURT: You mean generally or this document?

20 MR. KATAEV: Generally.

21 THE COURT: Overruled.

22 A. It's what a CARFAX looks like, yes.

23 Q. And if you look at the VIN number for a particular
24 CARFAX report you can rely on that as being the accurate
25 report for the vehicle pulled as of the date it was

A. Deo - Direct/Kataev

37

1 printed.

2 Correct?

3 MR. LEVINE: Objection.

4 THE COURT: Sustained.

5 BY MR. KATAEV:

6 Q. In the ordinary course of your duties you obtained
7 these CARFAX reports and rely on them with customers and
8 for yourself, correct?

9 A. I'm not sure of your question.

10 Q. If you go to page four of this exhibit.

11 THE COURT: This CARFAX is numbered, so it's
12 four of six?

13 MR. KATAEV: That's correct, your Honor.

14 THE COURT: All right.

15 BY MR. KATAEV:

16 Q. On the bottom of page four it says the vehicle was
17 offered for sale at Superb Motors on July 14th, correct?

18 MR. LEVINE: Objection.

19 THE COURT: Overruled.

20 A. That's what it says.

21 Q. You have no reason to dispute that, correct?

22 A. That it says that?

23 Q. Yes.

24 A. Yes, that's what it says.

25 MR. KATAEV: I offer this into evidence as a

A. Deo - Direct/Kataev

38

1 document.

2 MR. LEVINE: I'm going to object.

3 THE COURT: Sustained.

4 BY MR. KATAEV:

5 Q. In July of 2023 you were running the day-to-day
6 operations at Superb, correct?

7 A. Yes.

8 Q. And any vehicle that was offered for sale at Superb
9 came in because you brought that vehicle, correct?

10 A. No.

11 Q. Who if anybody else was able to bring vehicles in?

12 A. I don't quite understand your question.

13 MR. LEVINE: I'm going to object to relevance.

14 BY MR. KATAEV:

15 Q. You purchased vehicles for resale in the course of
16 your duties at Superb, correct?

17 THE COURT: There is an objection.

18 Where are we going with this?

19 MR. KATAEV: I'm trying to lay a foundation for
20 this vehicle.

21 THE COURT: Which vehicle or the CARFAX report?

22 MR. KATAEV: The CARFAX report for the Chevy
23 Silverado.

24 THE COURT: You are trying to lay a foundation
25 for the CARFAX report?

A. Deo - Direct/Kataev

39

1 MR. KATAEV: Correct.

2 MR. LEVINE: If I can just generally say
3 something.

4 This CARFAX report says it was reproduced on
5 February 5, 2024.

6 THE COURT: I see that.

7 MR. LEVINE: This could not have been created in
8 the regular course of my client's duties.

9 THE COURT: He's trying to establish a
10 foundation.

11 Go ahead, Mr. Kataev.

12 BY MR. KATAEV:

13 Q. You pulled these CARFAX reports in the course of
14 buying vehicles for the dealership, correct?

15 MR. LEVINE: Objection, asked and answered.

16 THE COURT: Asked and answered.

17 Go ahead.

18 BY MR. KATAEV:

19 Q. And you stated that you were not the one that
20 purchased vehicles.

21 So if you didn't purchase the vehicles, who did?

22 A. I didn't say that.

23 Q. Is it true that you purchased vehicles for resale at
24 Superb in July of '23?

25 A. Did I buy vehicles at auction? Yes.

A. Deo - Direct/Kataev

40

1 Q. And when you purchased vehicles you would look at the
2 CARFAX report, correct?

3 A. Sometimes.

4 Q. And because you rely on the CARFAX as a publicly
5 available document that says what's going on with the
6 particular vehicle, right?

7 MR. LEVINE: Objection.

8 THE COURT: Sustained.

9 Mr. Kataev, let's get to the location of the
10 vehicles. You said you have specific documents that you
11 can establish that this witness knows of the location.
12 Let's get to those.

13 MR. KATAEV: Okay.

14 BY MR. KATAEV:

15 Q. Let's look at -- this is another correspondence.

16 MR. KATAEV: We'll make this 18 B, your Honor.

17 THE COURT: Another email?

18 MR. KATAEV: Yes.

19 THE COURT: The first one was just 18.

20 So the first one will become 18 A.

21 MR. KATAEV: Sure.

22 THE COURT: 18 B is the second email.

23 Any objection, Mr. Levine?

24 MR. LEVINE: I don't know for what purpose this
25 is being used.

A. Deo - Direct/Kataev

41

1 So at this point I'm going to hold off.

2 BY MR. KATAEV:

3 Q. This is an email you sent and received in February 2,
4 2023, correct?

5 A. February 2nd, yes.

6 MR. KATAEV: Your Honor, I offer this into
7 evidence as Plaintiff Exhibit 18 B.

8 THE COURT: Any objection, Mr. Levine?

9 An email from Mr. Deo to Mr. Novicky February 2,
10 2023.

11 MR. LEVINE: At this point I don't think a
12 foundation has been established.

13 THE COURT: Overruled.

14 It's in evidence.

15 MR. LEVINE: All right.

16 (Plaintiff Exhibit 18 B in evidence.)

17 BY MR. KATAEV:

18 Q. Mr. Deo, in this list you tell Bruce that the
19 vehicles highlighted in dark blue you want to keep.

20 Correct?

21 A. Yes.

22 Q. And on the second page, towards the middle, there is
23 a different stock number, SU 0786 A, for the same vehicle
24 that we have been discussing ending in 3394.

25 Correct?

A. Deo - Direct/Kataev

42

1 A. SU 07 -- 3394 --

2 Q. In dark blue it says 2021 Chevrolet Silverado 1500?

3 A. Yes.

4 Q. And you wrote keep next to it, correct?

5 A. It was highlighted in blue.

6 Q. So in this February 2023 email you say you want to
7 keep the vehicle, but in the other email, the April 29th
8 email, you said it doesn't exist.

9 Correct?

10 A. Yes.

11 Q. How can you explain the whereabouts of this vehicle
12 if you said in February of 2023 you want to keep it but in
13 April of '23 it doesn't exist?

14 A. This email with the list is just a list that was
15 taken from the DMS, just a list that they pulled from the
16 DMS.

17 I didn't touch the vehicles.

18 Q. So --

19 A. It's just a list.

20 So I looked at the VINs. I looked at the
21 vehicles and it seemed like a good vehicle that I would
22 like to keep at Superb.

23 Q. Did --

24 THE COURT: Mr. Deo, did you have possession of
25 any of these vehicles at this time when you wrote this

A. Deo - Direct/Kataev

43

1 email, that is Exhibit 18 B?

2 THE WITNESS: I didn't physically touch them,
3 your Honor.

4 THE COURT: It was a list you looked at and
5 these were ones you would like to have?

6 THE WITNESS: Yes, because of the quality or the
7 price.

8 THE COURT: Mr. Kataev, go ahead.

9 BY MR. KATAEV:

10 Q. You mentioned the acronym DMS.

11 That stands for dealer management system?

12 A. Yes.

13 Q. And the dealer management system keeps a log of all
14 the vehicles at the dealership, correct?

15 A. It's supposed to.

16 Q. So in the DMS whenever you received a vehicle you
17 stock it in through the DMS, correct?

18 A. That's how you are supposed to do it.

19 Q. And so if you stock the vehicle in through the DMS
20 that means you have physical possession of it, correct?

21 MR. LEVINE: Objection.

22 Are you referring to him or Superb?

23 MR. KATAEV: Him.

24 THE COURT: Overruled.

25 A. No.

A. Deo - Direct/Kataev

44

1 Q. How can you have a vehicle in the DMS if you don't
2 have physical possession of it?

3 A. Just because it's stocked in doesn't mean that we
4 have physical possession.

5 Q. Why would you stock a vehicle in if you didn't have
6 physical possession of it?

7 A. Incorrectly.

8 Q. By mistake?

9 A. Incorrectly.

10 Q. So you are saying then in February 2023 you were
11 incorrect that you had the vehicle?

12 A. February -- which one?

13 Q. 18 B?

14 A. No.

15 As I said, I didn't touch the vehicles. I
16 looked at VIN numbers and did an assessment based on that
17 if I wanted to keep the vehicle or not. We were just
18 looking at VIN numbers at this point.

19 Q. So you decided whether or not you want to keep a
20 vehicle without knowing whether you actually had it.

21 That's your testimony?

22 A. It was just based on numbers, what we wanted to keep
23 at Superb.

24 MR. KATAEV: Let's mark 18 C.

25 THE COURT: This is 18 C?

A. Deo - Direct/Kataev

45

1 MR. KATAEV: Yes, your Honor.

2 THE COURT: Plaintiff Exhibit 18 C for
3 identification.

4 BY MR. KATAEV:

5 Q. This is another email that you sent and received on
6 March 21, 2023, correct?

7 A. Yes, it's me.

8 Q. And at the bottom of this email the penultimate
9 bullet point says, Silverado floored twice, and this
10 vehicle does not exist, do you see that?

11 A. Yes.

12 Q. And the VIN number matches the same VIN number we
13 have been looking at, correct?

14 A. Yes.

15 Q. So this is the second time on March 21, 2023 you said
16 the vehicle does not exist, correct?

17 A. Yes.

18 THE COURT: I have a question about 18 C.
19 You have that in front of you?

20 THE WITNESS: Yes.

21 THE COURT: There is different font size and
22 different font type in this email.

23 Do you see that?

24 THE WITNESS: Yes.

25 THE COURT: Can you explain that?

A. Deo - Direct/Kataev

46

1 THE WITNESS: I'm not sure why there's different
2 fonts, your Honor.

3 THE COURT: Do you know if this was a cut and
4 paste of some other email from some other document?

5 THE WITNESS: It may have been.

6 THE COURT: Go ahead, Mr. Kataev.

7 MR. KATAEV: I'm going to present 18 D now.

8 THE COURT: You have to speak into the mike.

9 MR. KATAEV: I'm going to present 18 D now.

10 THE COURT: D, as in David.

11 MR. KATAEV: Another email, same vehicle.

12 THE COURT: Okay.

13 MR. LEVINE: I'm going to object.

14 THE COURT: I don't think he offered it yet.

15 We'll see.

16 MR. LEVINE: Okay.

17 BY MR. KATAEV:

18 Q. Before we look at 18 D, just looking back at 18 C,
19 and focusing on Judge Wicks' question earlier, isn't it
20 true that you copied and pasted details about that vehicle
21 from a Google spreadsheet?

22 A. I don't recall.

23 Q. Isn't it true that you maintained a Google
24 spreadsheet separate and apart from the DMS system listing
25 where all the vehicles were?

A. Deo - Direct/Kataev

47

1 A. We did have a Google spreadsheet.

2 Q. And did you come to this hearing about the location
3 of the vehicles with that spreadsheet?

4 A. I don't have that spreadsheet.

5 Q. Why do you not have that spreadsheet anymore?

6 A. I don't know.

7 Q. You maintained various email accounts with Google in
8 which you used Google Sheets, correct?

9 A. We had a Google spreadsheet, yes.

10 I'm not sure who maintained it.

11 Q. But you had access to view that spreadsheet, didn't
12 you?

13 A. I think I did.

14 MR. KATAEV: We are going to call for the
15 production of that.

16 THE COURT: This is a hearing for the location
17 of vehicles.

18 You want to make document demands you make
19 document demands with your adversary. You meet and confer
20 with them and if you can't agree on them you make that
21 motion to me then.

22 BY MR. KATAEV:

23 Q. This is an email between NMAC, Nissan Motor
24 Acceptance Corporation, and the accounting team at Superb,
25 correct?

A. Deo - Direct/Kataev

48

1 MR. LEVINE: Objection.

2 THE COURT: Sustained.

3 BY MR. KATAEV:

4 Q. If you look at the second page, do you see the last
5 vehicle listed with the same VIN number of the --

6 MR. LEVINE: Objection.

7 BY MR. KATAEV:

8 Q. -- Chevy Silverado --

9 THE COURT: You haven't moved this into evidence
10 yet.

11 You haven't established that it can go in.

12 BY MR. KATAEV:

13 Q. Any vehicle that came to Superb you would interact
14 with the accounting team consisting of Alicia, Bruce and
15 Tony about, correct?

16 A. Repeat that.

17 Q. Generally speaking, for any vehicle that comes into
18 Superb, you interface with Alicia, Tony and Bruce when it
19 comes to accounting for the vehicles, correct?

20 A. Not necessarily.

21 Q. In the course of your duties at Superb you did
22 interact with Alicia about the location of vehicles,
23 correct?

24 A. About the location with Alicia? No.

25 Q. When the vehicle was sold you would report that to

A. Deo - Direct/Kataev

49

1 the accounting department with Alicia, correct?

2 A. Me personally? No.

3 Q. You would delegate those duties to others, correct?

4 A. I didn't delegate that, no.

5 Q. How would Alicia find out if a vehicle was sold?

6 A. She would check with the manager usually.

7 Q. And that's an individual who you worked with,
8 correct?

9 A. Yes.

10 Q. So the only way Alicia would know a vehicle was sold
11 was if someone at Superb would tell her, correct?

12 A. Not necessarily.

13 Q. How else would she be able to know if a vehicle was
14 sold?

15 MR. LEVINE: Objection.

16 THE COURT: Overruled.

17 A. I'm not sure how Alicia would determine if a vehicle
18 was sold or not.

19 Q. Alicia was never present at Superb Motors in Great
20 Neck, right?

21 A. No.

22 Q. And she worked out of Hartford, Connecticut, right?

23 A. Yes.

24 Q. At one of Mr. Urrutia's other dealerships, right?

25 A. Yes.

A. Deo - Direct/Kataev

50

1 Q. Whenever there were accounting issues that had to be
2 taken care of with Superb she handled them from
3 Connecticut, correct?

4 A. She was the CFO.

5 Q. Any time a vehicle was sold or disposed of it would
6 be reported to her by you or through others, correct?

7 A. Most likely.

8 Q. In this email Alicia notifies NMAC about vehicles
9 that were sold, correct?

10 MR. LEVINE: Objection.

11 THE COURT: This is not in evidence.

12 MR. KATAEV: Your Honor, based on the
13 discussions that -- the testimony that Mr. Deo provided
14 about reporting the locations of vehicles that were sold
15 to the accounting department, I offer this into evidence.

16 THE COURT: His objection is sustained.

17 It is not in evidence. This is hearsay. You
18 haven't established an exception. You haven't established
19 it as a business record or any number of exceptions you
20 haven't established. It's not evidence.

21 You can't ask him questions about it.

22 BY MR. KATAEV:

23 Q. Emails from Bruce, Tony or Alicia with NMAC were made
24 and kept in the ordinary course of business, correct?

25 MR. LEVINE: Objection.

A. Deo - Direct/Kataev

51

1 A. I'm not sure.

2 THE COURT: Overruled.

3 BY MR. KATAEV:

4 Q. Did you ever interface with NMAC about the location
5 of vehicles directly?

6 A. Me, no.

7 THE COURT: Any other questions of this witness
8 about location of the vehicles, Mr. Kataev?

9 MR. KATAEV: Just one second, your Honor.

10 (There was a pause in the proceedings.)

11 MR. KATAEV: Yes, there is one.

12 I'm going to offer 4 A.

13 THE COURT: Any objection?

14 MR. LEVINE: I have no idea what this is.

15 THE COURT: All right.

16 You want to describe it for the record. It's a
17 two-page document. This is some sort of printout.

18 MR. KATAEV: Yes, your Honor.

19 Q. This is a printout from the dealership management
20 system you talked about earlier called Tekion, correct?

21 MR. LEVINE: Objection.

22 THE COURT: He can ask that question.

23 Are you able to recognize this document,

24 Mr. Deo?

25 THE WITNESS: Not fully, your Honor.

A. Deo - Direct/Kataev

52

1 On the computer, maybe.

2 BY MR. KATAEV:

3 Q. You used --

4 THE WITNESS: I have never seen it like this.

5 THE COURT: Okay.

6 BY MR. KATAEV:

7 Q. Do you use the dealership management system Tekion in
8 the course of performing your duties and providing of your
9 services at Superb, correct?

10 A. I have used Tekion.

11 Q. On the bottom right here it says account posted
12 Anthony Deo, status Anthony Deo, inventory addition
13 Anthony Deo, do you see that?

14 A. Inventory addition, yes.

15 Q. So you made these entries in the Tekion system for
16 this particular vehicle, correct?

17 MR. LEVINE: Objection.

18 THE COURT: Sustained.

19 MR. LEVINE: Is this a screenshot or a printout?

20 THE COURT: I don't know what it is.

21 It's not in evidence so until you establish
22 foundation, authenticity, you can't ask questions about
23 it.

24 MR. KATAEV: Your Honor, if he made the entries,
25 that goes to establishing foundation.

A. Deo - Direct/Kataev

53

1 That's why I asked him.

2 THE COURT: But you haven't established the
3 authenticity or a foundation for the admissibility of this
4 document.

5 I don't know what this is.

6 BY MR. KATAEV:

7 Q. In the course of performing duties at Superb when
8 using Tekion, you would be able to print information from
9 the Tekion DMS system, correct?

10 A. To print from Tekion, yeah, you can print from
11 Tekion.

12 Q. And this is an example of one such printout, correct?

13 A. I'm not sure.

14 I have never seen it look like this.

15 MR. KATAEV: Your Honor, he testified that he's
16 able to print items from Tekion. He testified that it's
17 from Tekion.

18 I offer it into evidence as Exhibit 4 A.

19 THE COURT: I have to sustain the objection
20 here.

21 He doesn't recognize this format.

22 MR. LEVINE: Also, what does this have to do
23 with where the cars are today?

24 THE COURT: We'll find out.

25 MR. KATAEV: That's important.

A. Deo - Direct/Kataev

54

1 You know what, then, if he doesn't recognize it
2 we'd like to take a recess. We are going to set up the
3 computer to log in to Tekion with his user ID and we can
4 find out here. We can do it that way, your Honor.

5 THE COURT: Let's calm down a little bit.

6 We are getting far afield. Unless it goes to
7 location, the order was very clear, the precise
8 whereabouts of the vehicles. That's what my order said.
9 That's it. That's what we are looking for. Unless you
10 are putting in documents that help assist the trier of
11 fact determine the precise location of the vehicles, we
12 are going to move on.

13 MR. KATAEV: Your Honor, this witness testified
14 that he doesn't remember where any of these vehicles are.

15 THE COURT: Let's assume this is in.

16 How does this tell us the location of vehicles?

17 MR. KATAEV: It establishes that he's not
18 credible when testifying about the location.

19 THE COURT: You are using it to impeach as
20 opposed to -- I want evidence of the location of the
21 vehicles, not impeachment.

22 He said he didn't recognize the format. What
23 documents do you have that identify, as I ordered, the
24 precise whereabouts of the 43 vehicles? Do you have any?
25 Because this witness already testified under my

A. Deo - Direct/Kataev

55

1 questioning that he doesn't know where any of these 43
2 are.

3 MR. KATAEV: Your Honor --

4 THE COURT: Do you have documents that counter
5 what he testified to?

6 MR. KATAEV: Yes. This is one such document.

7 THE COURT: Where does this tell us location of
8 vehicles?

9 MR. KATAEV: It's the location that's supposed
10 to be at Superb because it was logged in on July 4th that
11 he has emails from February and March saying it doesn't
12 exist.

13 THE COURT: Where does this tell us, this
14 exhibit that you just marked, where does this tell us the
15 location of the vehicle today?

16 MR. KATAEV: On the first page at the top on the
17 bottom right it says inventory addition Anthony Deo.

18 Inventory addition means that the vehicle came
19 in stock at Superb Motors at its location at 215 Northern
20 Boulevard.

21 THE COURT: Okay.

22 MR. KATAEV: That's the purpose of the system,
23 to ascertain the location of all vehicles.

24 THE COURT: When was the date of that?

25 MR. KATAEV: July 4, 2023.

A. Deo - Direct/Kataev

56

1 THE COURT: How does that tell us location of
2 the vehicle today?

3 That's the whole purpose of this hearing because
4 nobody could tell me where the 43 vehicles were.

5 MR. KATAEV: Your Honor, that's the questions
6 that we are here to figure out because what we know is on
7 our general ledger these vehicles are listed.

8 We don't know where these vehicles are.

9 THE COURT: I'm not trying the case, you are,
10 and this is a hearing on location.

11 I don't know how many times I have said it. We
12 are not doing the full trial on the merits. You will have
13 ample opportunity to go through discovery over the next
14 six months and you will try the case sometime in the fall.
15 This is not the trial on the merits of the case. This is
16 a very defined, narrow scope-issued hearing and that is
17 the location of the 43.

18 If you don't have anything that establishes that
19 with this witness, I'm going to turn the witness over to
20 Mr. Levine and we are going to move on. You have a dozen
21 people here to testify.

22 MR. KATAEV: I'll move on to some general
23 questions and circle back on this.

24 BY MR. KATAEV:

25 Q. At the end of July, Mr. Deo, you had a grand opening

A. Deo - Direct/Kataev

57

1 event at 180 Michael Drive, correct?

2 A. A grand opening event? I guess you would call it
3 that.

4 Q. And you took almost all of the vehicles located at
5 Superb and transferred them to 180 Michael Drive, correct?

6 A. No.

7 Q. You deny taking any vehicles from Superb to 180
8 Michael Drive?

9 MR. LEVINE: Objection. He didn't say that.

10 THE COURT: Overruled.

11 A. Did I take all of the vehicles or did I take some?

12 Q. I said virtually -- almost all of the vehicles.

13 A. No.

14 Q. How many vehicles did you take from Superb in July to
15 180 Michael Drive for your event?

16 A. I am not sure.

17 Q. How many vehicles do you recall taking?

18 A. I don't recall the number.

19 Q. In your Google spreadsheet that you maintained, did
20 you record that you transferred the vehicles from Superb
21 to 180 Michael Drive in July 2023?

22 A. I cannot recall if that's how it was stated.

23 Q. You did not tell Mr. Urrutia about the grand opening
24 event, correct?

25 A. He knew that we -- he knew we were opening.

A. Deo - Direct/Kataev

58

1 Q. You didn't invite him to the grand opening event,
2 correct?

3 MR. LEVINE: Objection.

4 THE COURT: Overruled.

5 A. It wasn't a grand opening event.

6 It was a car show.

7 Q. You didn't ask Mr. Urrutia permission to take the
8 vehicles from Superb to 180 Michael Drive, correct?

9 MR. LEVINE: Objection.

10 THE COURT: Sustained.

11 Sidebar.

12 (Continued on next page.)

13

14

15

16

17

18

19

20

21

22

23

24

25

A. Deo - Direct/Kataev

59

1 (Sidebar.)

2 THE COURT: How many more questions do you have?
3 Because I'm stopping you now.

4 MR. KATAEV: I have very little.

5 THE COURT: What's little?

6 This is way beyond and now you are getting me
7 irritated because this has nothing to do with location of
8 vehicles. You are cross-examining him on credibility
9 issues but you still haven't touched on location of any of
10 the 43 vehicles.

11 MR. KATAEV: I'm establishing that he took them
12 from Superb to --

13 THE COURT: That's your opening case --

14 MR. LEVINE: He didn't --

15 THE COURT: Please don't interrupt me.

16 How many times do I have to say this is purely
17 to determine location of the vehicles? Not whether he
18 took it, whether he stole it, whether he sold it, whether
19 he made money on it, whether he pocketed money. That's
20 your case in chief. That's what you are going to tell me
21 in the fall.

22 Today I want to know where they are. Unless you
23 have anything further on that, I'm turning this witness
24 over to Mr. Levine and we are going to move on and don't
25 do the same thing with other witnesses. I'm warning you.

A. Deo - Direct/Kataev

60

1 MR. KATAEV: I'm going to ask him more questions
2 about vehicles --

3 THE COURT: Is this going to shed light on any
4 of the locations of the 43?

5 MR. KATAEV: He said he kept vehicles at home
6 and I want to ask them if any of the vehicles are at the
7 home.

8 THE COURT: Are they still at home?

9 MR. KATAEV: I don't know.

10 THE COURT: Let's go.

11 (Sidebar concluded.)

12 (Continued on next page.)

13

14

15

16

17

18

19

20

21

22

23

24

25

A. Deo - Direct/Kataev

61

1 (In open court.)

2 THE COURT: You may proceed.

3 BY MR. KATAEV:

4 Q. Mr. Deo, you no longer have access to the premises at
5 180 Michael Drive, correct?

6 A. No.

7 Q. And, therefore, no more vehicles are being kept at
8 180 Michael Drive, correct?

9 A. No.

10 Q. And since when was that?

11 Month and year would be fine.

12 A. Maybe December last year, I think, November or
13 December.

14 Q. And same question with the Sunrise Highway, you had
15 access to an outdoor lot where vehicles were kept,
16 correct?

17 A. Yes.

18 Q. You no longer have access to that lot, correct?

19 A. No.

20 Q. And that's also since December of 2023?

21 A. Somewhere around that time, exact date I'm not sure.

22 Q. After the grand opening event none of the vehicles --
23 some of the vehicles you took from Superb to the event,
24 those vehicles never returned back to Superb, correct?

25 A. I'm not sure.

A. Deo - Direct/Kataev

62

1 Q. So the vehicles aren't located at Superb, correct?

2 A. Say that again.

3 Q. The vehicles at issue here are not at Superb,
4 correct?

5 MR. LEVINE: Objection. Are we referring to --

6 MR. KATAEV: The 43.

7 THE COURT: The 43 vehicles that are on Exhibit
8 3, that's the question.

9 MR. KATAEV: Yes.

10 BY MR. KATAEV:

11 Q. They are not at Superb, correct?

12 A. I don't have access to Superb.

13 Q. I'm sorry?

14 A. I don't have access to Superb.

15 Q. To your knowledge, those vehicles are not located at
16 Superb, correct?

17 A. I don't have access to Superb.

18 I don't know.

19 Q. The 43 --

20 THE COURT: Hold on a second.

21 Regardless of whether you have access, do you
22 have any knowledge of whether they are still at Superb?

23 THE WITNESS: I'm not sure, your Honor.

24 I can't say that.

25 THE COURT: Do you know if any of them are still

A. Deo - Direct/Kataev

63

1 at Superb?

2 THE WITNESS: Any of these? I'm not sure, your
3 Honor.

4 THE COURT: Any of these on Exhibit 3.

5 THE WITNESS: Yes.

6 I wouldn't know, your Honor, because to see the
7 VIN numbers you have to get close.

8 THE COURT: Okay.

9 THE WITNESS: And I don't know for sure.

10 THE COURT: Okay.

11 Anything else, Mr. Kataev?

12 MR. KATAEV: Yes, few more questions.

13 BY MR. KATAEV:

14 Q. Any of these 43 vehicles, they are not located at the
15 lot at 180 Michael Drive, correct?

16 A. No.

17 Q. And none of these vehicles are located at 189 Sunrise
18 Highway, correct?

19 A. No.

20 THE COURT: Let me clarify.

21 When you say no, you really mean yes? Otherwise
22 we have a double negative issue. Can you rephrase that?

23 BY MR. KATAEV:

24 Q. There are no vehicles located at 180 Michael Drive,
25 correct?

A. Deo - Direct/Kataev

64

1 A. No.

2 Q. And there are no vehicles located at 189 Sunrise
3 Highway, correct?

4 A. No.

5 Q. And I'm referring to just these 43.

6 My next question is, out of these 43 vehicles
7 are any of them located at your home?

8 A. No.

9 Q. And your home is 3 Hunting Lane, is that right?

10 A. Yes.

11 Q. That's where you still live today?

12 A. Yes.

13 Q. There are none of these 43 vehicles are located
14 there, correct?

15 Where are these 43 vehicles?

16 MR. LEVINE: Objection, asked and answered.

17 THE COURT: Go ahead. You can answer.

18 Overruled.

19 A. I don't know.

20 Q. But you don't dispute that these 43 vehicles were on
21 the general ledger of Superb, correct?

22 A. I can't say that.

23 Q. When you worked at Superb Motors you had access to
24 the general ledger, correct?

25 A. I had access.

A. Deo - Direct/Kataev

65

1 Q. And if the vehicles are on the general ledger that
2 means they are present at the dealership, correct?

3 A. Not necessarily.

4 Q. Why wouldn't a vehicle listed on the general ledger
5 not be present at Superb?

6 A. I don't run that part of the general ledger. I'm
7 not -- not necessarily states that it's there.

8 It doesn't -- A doesn't mean B.

9 Q. When you worked at Superb, how would you identify
10 which vehicles were in the inventory?

11 A. Physical touching.

12 Q. And you would operate off of a list, correct?

13 A. I guess.

14 Q. And you would obtain that list from the DMS system
15 and Tekion, correct?

16 A. May or may not because it may or may not have updated
17 information.

18 THE COURT: Anything further, Mr. Kataev, with
19 this witness?

20 MR. KATAEV: Yes, your Honor.

21 I'm going to offer for identification Exhibit
22 32.

23 THE COURT: Exhibit 32?

24 This is a summary records of dealership data as
25 described in your exhibit list. Any objection,

A. Deo - Direct/Kataev

66

1 Mr. Levine?

2 MR. LEVINE: Yes.

3 To the extent that it says that it's February
4 19th, 2024, I don't see -- it's going to be for him to lay
5 a foundation, I guess.

6 THE COURT: What's your objection?

7 MR. LEVINE: Hearsay as well as authenticity and
8 foundation.

9 THE COURT: Go ahead.

10 BY MR. KATAEV:

11 Q. Mr. Deo, this is a printout from the Tekion system,
12 correct?

13 A. It says Tekion at the bottom.

14 Q. And in the course of your duties at Superb you were
15 able to print data from Tekion concerning, among other
16 things, the vehicles, correct?

17 A. I have never printed anything like this.

18 Q. But you were capable of doing that, correct?

19 A. I'm not sure.

20 I have never done it.

21 MR. KATAEV: Give me a few minutes to confer
22 with counsel.

23 THE COURT: Yes, of course.

24 (There was a pause in the proceedings.)

25 MR. LEVINE: Your Honor, I'm going to raise a

A. Deo - Direct/Kataev

67

1 new objection here.

2 If their position is that the vehicles are not
3 in Superb Motors' stock, possession --

4 THE COURT: I don't want to hear oral argument.

5 MR. LEVINE: I want to know what this document
6 would have any relevance.

7 THE COURT: You lodged your objection.

8 MR. LEVINE: Okay.

9 THE COURT: He's now trying to establish a
10 foundation or not and we take it from there.

11 I don't need further argument on it.

12 MR. LEVINE: Okay.

13 BY MR. KATAEV:

14 Q. Mr. Deo, you said that you would confirm which
15 vehicles were present by doing a physical touch, correct?

16 A. Yes.

17 Q. And you would do the physical touch by comparing the
18 vehicles you saw with your eyes with a list, correct?

19 A. We could compile a list.

20 Q. What list did you use when you did the physical
21 touch?

22 A. Physical inventory list.

23 Q. And where did you get the information from to form a
24 list?

25 A. Kendra, the controller, would have printed up a list.

A. Deo - Direct/Kataev

68

1 Q. And where would she print it from?

2 A. It could be the floor plan, Tekion.

3 Q. You don't know?

4 A. As I said, it could be the floor plan list or the
5 spreadsheet list or Tekion, maybe.

6 Q. So referring first to the floor plan list, where
7 would you obtain that from?

8 A. From Kendra.

9 Q. And do you know how she would obtain it?

10 A. I guess she would log in and get it.

11 Q. And you had the same access to do that, correct?

12 A. I have never done it.

13 Q. But you had access to do that?

14 A. Possibly.

15 Q. And going on to the Tekion list, you also had access
16 to that system, correct?

17 A. I have never printed -- you are talking about this
18 list?

19 Q. Yes.

20 A. I have never printed this.

21 THE COURT: You are referring to Exhibit 32 and
22 let me ask you, Mr. Deo, have you ever seen this in this
23 format, an inventory vehicles list in this format?

24 THE WITNESS: No, your Honor.

25 THE COURT: You have never seen a format like

A. Deo - Direct/Kataev

69

1 this? Nobody provided you with a list that looked like
2 this?

3 THE WITNESS: I have never seen this.

4 BY MR. KATAEV:

5 Q. And you talked about the spreadsheet, that's the
6 Google spreadsheet you talked about earlier, correct?

7 A. Yes.

8 Q. So you would just use one of those three lists to do
9 a physical touch to find out where the vehicles are,
10 correct?

11 A. Well, to cross-reference where, if the vehicles were
12 there, yes.

13 Q. There were points in time from November of 2022 until
14 August of 2023 that you had vehicles located either at
15 Superb or Northshore at 180 Michael Drive, or Sunrise at
16 189 Sunrise Highway, correct?

17 A. In November '22?

18 Q. Through August, the whole period.

19 A. We have had vehicles at those locations.

20 Q. And then the three locations?

21 A. At Superb also.

22 Q. Yes.

23 And Tekion did not list where the vehicles were,
24 correct?

25 A. I don't think it states -- I'm not sure if it stated

A. Deo - Direct/Kataev

70

1 where it sat.

2 Q. And that's why you had the Google spreadsheet, so you
3 could know exactly at which of the three locations they
4 were, correct?

5 A. Correct.

6 Q. And there were other instances where the vehicles
7 would be kept at auto body shops or in repair shops,
8 correct?

9 A. They went to repair, yes.

10 Q. And you would update the Google spreadsheet to
11 reflect that information, correct?

12 A. Me personally, no.

13 Q. Who would?

14 A. There's different people that had access to it.

15 Q. And who are some of these people?

16 A. Eugene and Marc.

17 Q. Eugene Lowe, L-O-W-E, is that right?

18 A. Yes.

19 Q. And Marc Merckling, M-E-R-C-K-L-I-N-G, right?

20 A. Yes.

21 Q. Is it fair to say that Mr. Lowe and Mr. Merckling had
22 knowledge of where the vehicles were because of what you
23 told them or did they physically see the vehicles
24 themselves?

25 MR. LEVINE: Objection.

A. Deo - Direct/Kataev

71

1 THE COURT: Sustained.

2 BY MR. KATAEV:

3 Q. To your knowledge, did Mr. Lowe observe the vehicle
4 locations when he inputted data?

5 A. To my knowledge, yeah.

6 Q. It was not the case that you would tell Mr. Lowe,
7 this is where the vehicle is, update the spreadsheet?

8 A. I wouldn't tell them to -- I wouldn't direct them.

9 Q. Same question for Mr. Merckling.

10 To your knowledge, Mr. Merckling saw where the
11 vehicles were when he updated the spreadsheet, correct?

12 A. I guess.

13 Q. And you did not tell Mr. Merckling where the vehicle
14 is such that he would update it without seeing it himself,
15 right?

16 A. No.

17 MR. KATAEV: Just two minutes.

18 THE COURT: Yes.

19 (There was a pause in the proceedings.)

20 MR. KATAEV: I have nothing further of this
21 witness, your Honor.

22 THE COURT: Okay.

23 MR. KATAEV: Just give me a second.

24 THE COURT: Nothing further of this witness?

25 MR. KATAEV: Nothing further.

A. Deo - Cross/Levine

72

1 THE COURT: Mr. Levine, any questions?

2 MR. LEVINE: Yes.

3 THE COURT: Again, location of the vehicles.

4 MR. LEVINE: My first Exhibit is Defense Exhibit
5 N and I'm going to ask to --

6 THE COURT: Speak into the mike a little bit
7 more.

8 MR. LEVINE: Defense Exhibit N.

9 THE COURT: That's DMV title record abstract for
10 2000 Mercedes M Class.

11 MR. LEVINE: I'm going to ask to have it entered
12 into evidence.

13 It's a certified copy.

14 THE COURT: Any objection?

15 MR. KATAEV: No objection, your Honor.

16 THE COURT: Exhibit N is in evidence.

17 (Defense Exhibit N in evidence.)

18 THE COURT: Is this one of the vehicles on the
19 list of 43?

20 MR. LEVINE: Yes. I'm only going to be asking
21 about the 43 and this is number 11.

22 THE COURT: Number 11 SU 1276. You may proceed.

23 CROSS-EXAMINATION

24 BY MR. LEVINE:

25 Q. Mr. Deo, when was the last date that you had access

A. Deo - Cross/Levine

73

1 to any records at Superb Motors, Inc.?

2 A. August of last year, August 3rd.

3 Q. And when was the last date that you had access to any
4 of the vehicles that were on the lot at Superb Motors,
5 Inc.?

6 A. The same date.

7 Q. I'm going to show you what has been marked as --

8 MR. LEVINE: We have to switch it?

9 THE COURT: Exhibit N.

10 MR. LEVINE: It's not up.

11 THE COURT: All right.

12 BY MR. LEVINE:

13 Q. This is Defense Exhibit N.

14 Now, this vehicle, does -- is it currently in
15 your possession?

16 A. No.

17 Q. Based upon the title record, where is this vehicle
18 today?

19 THE COURT: Does this title record tell you
20 where the vehicle is today, Mr. Deo?

21 THE WITNESS: It said that it's sold.

22 THE COURT: But does it tell you location of the
23 vehicle today?

24 THE WITNESS: The location, no, your Honor.

25 THE COURT: Okay.

A. Deo - Cross/Levine

74

1 THE WITNESS: Wait, current --

2 BY MR. LEVINE:

3 Q. Is there any indication of when this vehicle may have
4 been sold based upon this record?

5 A. Not that I could see.

6 Q. On the second page, page two of Exhibit N, it states
7 that the last doc issue date was June 2, 2023?

8 MR. KATAEV: Objection, leading.

9 BY MR. LEVINE:

10 Q. Do you know --

11 THE COURT: Sustained.

12 MR. LEVINE: Okay.

13 BY MR. LEVINE:

14 Q. Based upon your review of this document, is there any
15 dates that would lead you to believe it was sold?

16 MR. KATAEV: Same objection.

17 BY MR. LEVINE:

18 Q. By Superb Motors?

19 MR. KATAEV: Leading.

20 THE COURT: Overruled.

21 A. The June '23 date.

22 Q. I'm sorry?

23 A. The date June 2nd, 2023.

24 Q. Why would you come to that conclusion?

25 A. Because it's the last document issued.

A. Deo - Cross/Levine

75

1 THE COURT: What does that mean, Mr. Deo, last
2 doc issued?

3 THE WITNESS: It means that the title changed
4 hands.

5 THE COURT: That's a title change?

6 THE WITNESS: Yes.

7 THE COURT: Okay.

8 MR. LEVINE: I'm going to mark the next exhibit.
9 It's going to be Defense Exhibit V.

10 THE COURT: B, as in boy?

11 MR. LEVINE: V, as in Victor.

12 THE COURT: V, as in Victor.

13 MR. LEVINE: And it pertains to --

14 THE COURT: Let's take a look at it.

15 Any objection?

16 MR. KATAEV: If it's a publicly available
17 document, as it's represented to be, then no.

18 THE COURT: It's in evidence, Defense Exhibit V
19 in evidence.

20 (Defense Exhibit V in evidence.)

21 BY MR. LEVINE:

22 Q. Mr. Deo, I'm showing you what's been marked as
23 Defense Exhibit V.

24 Do you recognize this document?

25 A. Yes.

A. Deo - Cross/Levine

76

1 Q. What is this document?

2 A. It's a title or lien status report.

3 Q. And based upon this document, when was the last
4 date -- when was the title issued on this vehicle?

5 A. August 17, 2023.

6 Q. And that is after you no longer had access to Superb
7 Motors inventory, correct?

8 A. Yes.

9 Q. And this VIN number ends in 9931?

10 A. Yes.

11 Q. And does that match the same VIN number on -- for
12 vehicle 17 on Plaintiff Exhibit 1, I believe?

13 THE COURT: The list is Exhibit 3.

14 BY MR. LEVINE:

15 Q. I'm sorry, Exhibit 3.

16 A. Number 17, yes, number 17.

17 Q. So this vehicle was sold by Superb Motors after you
18 left the lot, correct?

19 A. Yes.

20 MR. LEVINE: Defense Exhibit W.

21 THE COURT: Are you offering an exhibit?

22 MR. LEVINE: I'm asking if they are going to
23 object.

24 THE COURT: Exhibit W.

25 MR. FELSEN: This document doesn't say where

A. Deo - Cross/Levine

77

1 it's from, so we object.

2 THE COURT: You object to that?

3 MR. FELSEN: Yes.

4 MR. LEVINE: Your Honor, with respect to this
5 particular exhibit, I had gone -- went on to my attorney
6 DMV dial account for New York State, ordered the abstract,
7 and it did not arrive on time.

8 This is a printout from that page. I don't know
9 if you will accept that.

10 THE COURT: No, I will not.

11 MR. LEVINE: That's fair.

12 THE COURT: If you have a witness that can
13 authenticate it --

14 MR. LEVINE: He can't.

15 THE COURT: Let's stick to the location of
16 existing vehicles, right, the 43.

17 MR. LEVINE: Yes, I know.

18 THE COURT: Okay.

19 MR. LEVINE: To be clear, do you find that the
20 registration being different than Superb Motors to be a
21 little outside the scope of location?

22 THE COURT: If you can establish location with
23 that, great.

24 I don't know how that does it, but maybe you
25 will connect the dots.

A. Deo - Redirect/Kataev

78

1 MR. LEVINE: Other than what the defendant has
2 already testified to, I don't think there is anybody to
3 establish location.

4 THE COURT: I think he already testified very
5 clearly on Exhibit 3 he doesn't know the location of any
6 of the 43 vehicles.

7 MR. LEVINE: Then I have no further questions.

8 THE COURT: Anything further?

9 MR. KATAEV: Yes.

10 THE COURT: Go ahead.

11 This is redirect. So it's limited to what was
12 brought out on cross, which was not much.

13 MR. KATAEV: Correct.

14 REDIRECT-EXAMINATION

15 BY MR. KATAEV:

16 Q. Looking at Defense Exhibit N with respect to the
17 Mercedes, it says there that the last date a document was
18 issued was June of 2023, correct?

19 You have that in front of you?

20 A. No.

21 THE COURT: You may approach.

22 MR. KATAEV: I'll just put it on the screen.

23 THE COURT: You see that, Mr. Deo, Exhibit N in
24 front of you?

25 THE WITNESS: Last document issued, yes.

A. Deo - Redirect/Kataev

79

1 BY MR. KATAEV:

2 Q. Page two of Exhibit N, and I'm pointing to the top
3 right, it says last document or doc issued June 2, 2023,
4 you see that?

5 A. Yes.

6 Q. That doesn't necessarily mean that a title was
7 issued, correct?

8 A. That's what it means.

9 Q. It could also be a reprint of a title that was
10 issued, correct?

11 A. It means a title was issued.

12 Q. It's your testimony that when it says last doc issued
13 that definitely means that a new title was issued, not a
14 replacement title?

15 A. I'm not sure.

16 Q. Okay.

17 THE COURT: Mr. Deo, that last doc issued, that
18 could either be a new owner or same owner but just a new
19 document issued, correct?

20 THE WITNESS: Yes.

21 THE COURT: Okay.

22 BY MR. KATAEV:

23 Q. And focusing on Defense Exhibit V, you had testified
24 that based on this document a title was issued after you
25 had left in August -- after August 3, 2023, correct?

A. Deo - Redirect/Kataev

80

1 A. Yes.

2 MR. KATAEV: I'm going to mark this as I believe
3 it's 4 C.

4 THE COURT: Is this a new exhibit?

5 MR. KATAEV: It is.

6 THE COURT: Is this related to cross?

7 MR. KATAEV: It's for this exact vehicle in V.

8 THE COURT: Okay.

9 Any objection to 4 C?

10 MR. LEVINE: No.

11 THE COURT: 4 C is in evidence.

12 (Plaintiff Exhibit 4 C in evidence.)

13 BY MR. KATAEV:

14 Q. Looking at 4 C, this is a New York State title that
15 says date issued August 17, 2023, correct?

16 A. August 17.

17 MR. LEVINE: This is for identification,
18 correct?

19 THE COURT: No. He moved it into evidence.

20 I asked for any objections; you said no, and I
21 said it's in. What am I missing?

22 MR. LEVINE: I'm sorry.

23 THE COURT: That's all right.

24 By the way, this is a multiple page document
25 including a CARFAX --

A. Deo - Redirect/Kataev

81

1 MR. KATAEV: I'm only focusing on the title,
2 your Honor.

3 THE COURT: Is that all you were moving into
4 evidence, was the title?

5 MR. KATAEV: Yes.

6 THE COURT: I'm going to take this CARFAX away
7 and the only part of this exhibit that's in evidence is
8 the title document, right?

9 MR. KATAEV: Yes, your Honor.

10 THE COURT: Let me ask you, though, there's
11 handwriting on it.

12 Are you going to ask the witness about that?

13 MR. KATAEV: No.

14 THE COURT: Where did the handwriting come from?

15 MR. KATAEV: It's just part of the dealership
16 process to put this stock number on it.

17 THE COURT: Is that something you put on it or
18 the dealer did it during the course of business?

19 MR. KATAEV: The dealership did it in the course
20 of business, your Honor.

21 THE COURT: Go ahead.

22 BY MR. KATAEV:

23 Q. Just to go back to my earlier question, I'm not sure
24 if there was an answer.

25 The title date on this document is issued August

A. Deo - Redirect/Kataev

82

1 17, 2023, correct?

2 A. Date issued, correct.

3 Q. And if you look at the second page it says seller's
4 signature, Anthony Blagrove, and he signed the title of
5 this vehicle over to Superb Motors, correct?

6 A. It's issued in August but it's signed in May.

7 Q. It does say that it's signed in May but my question
8 is, does not this title state that the titled owner of
9 this vehicle signed over the title to Superb?

10 A. How is it the same document?

11 Q. My question is seller's signature shows the titled
12 owner of this vehicle selling it to the buyer Superb
13 Motors, Inc.

14 Is that right?

15 A. On the second page.

16 Q. So, in other words, Mr. Blagrove sold this vehicle to
17 Superb Motors, correct?

18 A. Yes.

19 Q. Based on what you have seen, this document -- this
20 vehicle was not sold to Mr. Blagrove, correct?

21 A. It was not sold to Mr. Blagrove?

22 Q. Yes.

23 A. Blagrove? Not according to this, no.

24 Q. Thank you.

25 MR. KATAEV: I have nothing further.

A. Deo - Recross/Levine

83

1 THE COURT: Any follow up?

2 MR. LEVINE: Yes.

3 RECROSS-EXAMINATION

4 BY MR. LEVINE:

5 Q. Mr. Deo, he just brought up 4 C. With respect to 4
6 C, you just pointed out there was this inconsistency with
7 the date on the back and the date that it was issued.

8 How long does it usually take -- in your
9 experience, how long does it usually take for a title to
10 be obtained from the DMV?

11 A. You could expedite it.

12 It's less than a week.

13 Q. In your experience, is there ever any reason to order
14 title to a vehicle that you don't physically possess?

15 MR. KATAEV: Objection, outside the scope.

16 THE COURT: Sustained.

17 BY MR. LEVINE:

18 Q. If Superb ordered title on August 17, 2023, would it
19 be their pattern and practice to do so because they had
20 the vehicle --

21 MR. KATAEV: Objection.

22 BY MR. LEVINE:

23 Q. -- on their lot?

24 MR. KATAEV: Hypothetical, outside the scope.

25 THE COURT: Sustained.

A. Deo - Recross/Levine

84

1 MR. LEVINE: No further questions.

2 THE COURT: Next witness.

3 You may step down, Mr. Deo. Thank you.

4 (Witness steps down.)

5 MR. FELSEN: Your Honor, can we just take a
6 short five-minute recess?

7 THE COURT: Of course.

8 Make it ten.

9 (Recess.)

10 (Continued on next page.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

A. Deo - Recross/Levine

85

1 (Following a recess.)

2 THE COURT: Counsel, are you ready?

3 MR. FELSEN: Yes.

4 THE COURT: Are you going to call the next
5 witness?

6 MR. FELSEN: Yes, your Honor. Plaintiffs call
7 Marc Merckling.

8 THE COURT: Next witness.

9 MR. FELSEN: Your Honor, plaintiffs call Marc
10 Merckling.

11 THE COURT: Very good.

12 Mr. Merckling, remain standing and raise your
13 right hand. Doreen will administer the oath.

14 **MARC MERCKLING,**

15 having been duly sworn, testified as follows:

16 THE CLERK: Please be seated and state and spell
17 your name for the record.

18 THE WITNESS: Marc Merckling, M-A-R-C,
19 M-E-R-C-K-L-I-N-G.

20 THE COURT: Good afternoon, Mr. Merckling.

21 THE WITNESS: Good afternoon, your Honor.

22 THE COURT: Is it M-A or M-E?

23 THE WITNESS: Last name or first name?

24 THE COURT: Last name.

25 THE WITNESS: E.

Merckling - Direct/Felsen

86

1 THE COURT: Okay.

2 You may proceed but, again, I'm warning all
3 counsel this is limited to the location of the vehicles.
4 I will curtail all of you if it starts going beyond that.

5 MR. FELSEN: Sure.

6 DIRECT EXAMINATION

7 BY MR. FELSEN:

8 Q. Good afternoon, Mr. Merckling.

9 At some point in time you left Northshore and
10 became employed by Superb, correct?

11 A. I was always employed by Anthony Deo.

12 I was never employed by Superb.

13 Q. Have you ever been inside of Superb?

14 A. Yes, I have.

15 Q. And you performed more than menial duties inside of
16 Superb, correct?

17 A. Meaning?

18 Q. What duties did you perform at Superb?

19 A. Basically anything that Anthony needed me to do.

20 Q. And can you provide some examples of some day-to-day
21 tasks that you performed at Superb?

22 A. Looked over some cars, had them brought in for
23 repairs if they needed repairs, checked on certain
24 inventory.

25 Q. And you maintained the inventory, correct?

Merckling - Direct/Felsen

87

1 A. What do you mean maintained?

2 Q. So Mr. Deo provided us with some testimony explaining
3 that you maintained a Google spreadsheet that contained
4 all the inventory that was located at Superb.

5 Isn't that true?

6 A. There was a Google spreadsheet, yes.

7 Did I maintain it? No. That was open to
8 multiple people.

9 Q. Including yourself, correct?

10 A. Yes.

11 Q. Who else had access to that document?

12 A. Offhand, I know Eugene did, I'm pretty sure -- there
13 was multiple people all added onto that Google account
14 that could have gone into it and changed it at any time.

15 Q. At any point in time did anybody deny access to any
16 other individual that had access to it at some point?

17 THE COURT: Can you rephrase that. I don't
18 understand it.

19 BY MR. FELSEN:

20 Q. Did the same people always have access to that
21 document?

22 A. Yeah, more or less.

23 Q. Throughout the time that you were at Superb, you
24 always had access to that document.

25 Is that correct?

Merckling - Direct/Felsen

88

1 A. Yes.

2 Q. That document contained information about the
3 whereabouts of every vehicle at Superb, correct?

4 A. It wasn't always updated, but, yes.

5 Q. How often would it be updated?

6 A. I'm not sure.

7 Q. You were responsible for updating it?

8 A. No.

9 Q. What were you responsible for with respect to this
10 Google document?

11 A. If I knew of something that needed to be changed I
12 would change it.

13 But I -- like I said before, there was multiple
14 people that all had access to it.

15 Q. What kind of edits would you make to the Google
16 document?

17 A. If a car was sold or if it was sent out for some sort
18 of a repair or if it wasn't -- where it was located.

19 But, again, that wasn't updated all the time.

20 Q. Do you have that Google spreadsheet with you today?

21 A. I do not.

22 Q. Why not?

23 A. Because I don't have anything from there anymore.

24 Q. Did you delete it?

25 A. I honestly don't remember.

Merckling - Direct/Felsen

89

1 Q. Do you know who has access to it?

2 A. I do not.

3 Q. Aren't you able to access that document through
4 logging on to Google?

5 MR. LEVINE: Objection.

6 THE COURT: Overruled.

7 A. Repeat the question.

8 Q. Can't you simply log into Google and access that
9 document by using your Google credentials?

10 A. No.

11 Q. How did you access that document --

12 A. It's not there anymore.

13 It's not on my Google account.

14 Q. Who deleted it?

15 A. I do not know.

16 Q. Did Mr. Deo delete it?

17 A. I do not know.

18 THE COURT: Mr. Felsen, we are getting to
19 location of vehicles?

20 MR. FELSEN: Yes, we are getting there, your
21 Honor.

22 THE COURT: All right.

23 BY MR. FELSEN:

24 Q. How does a car get added to the Google spreadsheet?

25 A. How does it what?

Merckling - Direct/Felsen

90

1 Q. How would a vehicle get added to this document?

2 A. Somebody would add it into the document.

3 Q. How would somebody know what the stock number is to
4 add to the spreadsheet?

5 A. Stock numbers were generated by the back office.

6 I don't know anything about that.

7 Q. Among your duties at Superb, was dealing with audits,
8 correct?

9 A. Not really.

10 I assisted Gene, Gene really handled all the
11 audits -- Eugene, excuse me.

12 Q. Isn't it true that Bruce Novicky came to the
13 dealership in March to do a physical inventory?

14 A. I know he was there a couple times.

15 I don't remember exactly when it was.

16 Q. On one of the occasions on which Bruce was at the
17 dealership and you saw him, isn't it true that you used
18 this Google sheet to show him the location of all the
19 vehicles at Superb?

20 A. It's possible.

21 Q. And isn't it true that you used that Google document
22 with respect to auditors that came to the dealership to
23 perform audits?

24 A. It still had to be verified by somebody when it came
25 to an audit.

Merckling - Direct/Felsen

91

1 Q. I'm sorry?

2 A. It still had to be verified by somebody actually
3 physically touching for an audit.

4 You can't just go by a Google Docs and say what
5 it is.

6 Q. But you would use the Google Docs?

7 A. I would.

8 Q. When Bruce came and when the auditors came, you would
9 utilize the Google document to show them the location of
10 all the vehicles at Superb, correct?

11 A. It was more of a reference for us to see where they
12 were, not to give to the auditors.

13 Again, they had to do a physical touch of the
14 vehicle.

15 Q. But you always knew where all the vehicles were
16 located, correct?

17 A. No.

18 Q. Why would you not know where a vehicle was if you
19 were -- had access to and utilized the spreadsheet?

20 A. Because the spreadsheet wasn't always correct.

21 Q. Isn't it true that during the time that you were at
22 Superb, Superb always passed the audits?

23 A. As far as I know.

24 Again, I wasn't involved in it that much.

25 Q. And reason why Superb passed the audits when you were

Merckling - Direct/Felsen

92

1 there was because you were able to establish where the
2 actual vehicles were, correct?

3 MR. LEVINE: Objection. He just said he didn't
4 know.

5 THE COURT: Objection what?

6 MR. LEVINE: He said he doesn't know anything
7 about the audits.

8 THE COURT: Sustained but for a different
9 reason.

10 Go ahead.

11 BY MR. FELSEN:

12 Q. To your knowledge, Superb always passed the audits
13 because the Google Docs that you were responsible for
14 contained information in showing the whereabouts of all
15 the vehicles, correct?

16 A. No.

17 MR. LEVINE: Objection.

18 THE COURT: Mr. Felsen, are we getting to
19 location?

20 Because I'm going to give you about five more
21 minutes with this witness.

22 MR. FELSEN: Right now, your Honor.

23 THE COURT: In fact, why don't you put
24 Plaintiff Exhibit 3 in front of him.

25 MR. FELSEN: Yes, your Honor.

Merckling - Direct/Felsen

93

1 THE COURT: Mr. Merckling, you see Exhibit 3,
2 list of 43 vehicles?

3 THE WITNESS: Yes, I do.

4 THE COURT: Do you know the location of any one
5 of those vehicles?

6 THE WITNESS: No, I do not.

7 THE COURT: Do you know the whereabouts of any
8 of those vehicles?

9 THE WITNESS: No, I do not.

10 THE COURT: Anything further with this witness?

11 MR. FELSEN: Judge, he --

12 Q. The time at Superb you knew the whereabouts of the
13 vehicles, correct?

14 THE COURT: That's not the question.

15 The focus of the hearing is the whereabouts of
16 the vehicles today.

17 MR. FELSEN: Your Honor, I'm trying to establish
18 that he didn't know where they were and he's now saying he
19 doesn't know where they are.

20 THE COURT: Okay.

21 MR. FELSEN: I want an explanation as to why
22 that's the case.

23 THE COURT: Okay.

24 BY MR. FELSEN:

25 Q. Mr. Merckling, did you know during the time that you

Merckling - Direct/Felsen

94

1 were at Superb the location of the vehicles on this list?

2 THE COURT: Each of the 43.

3 THE WITNESS: I don't know if these vehicles
4 were on the list at that point, your Honor.

5 THE COURT: Okay.

6 BY MR. FELSEN:

7 Q. Did you know the location of any of these vehicles
8 when you were working at Superb?

9 A. How am I supposed to remember vehicles from eight
10 months ago, where they were?

11 Q. And you don't know where one of these vehicles were?

12 A. Absolutely not.

13 THE COURT: Anything else, Mr. Felsen?

14 MR. FELSEN: Can I just confer for one minute?

15 THE COURT: Yes.

16 (There was a pause in the proceedings.)

17 BY MR. FELSEN:

18 Q. Mr. Merckling, if you were still at Superb today, how
19 would you go about locating these 43 vehicles?

20 MR. LEVINE: Objection.

21 THE COURT: Could you repeat that question
22 again.

23 BY MR. FELSEN:

24 Q. If you were currently employed at Superb, how would
25 you go about locating these 43 vehicles on this list?

Blankenship - Direct/Kataev

95

1 MR. LEVINE: Objection, he never worked at --

2 THE COURT: Sustained. Sustained.

3 MR. FELSEN: I don't have anything further, your
4 Honor.

5 THE COURT: Mr. Levine?

6 MR. LEVINE: I have no questions.

7 THE COURT: Next witness.

8 You may step down. Thank you.

9 MR. KATAEV: Plaintiffs call Dwight Blankenship.

10 THE COURT: Is Mr. Blankenship in the courtroom?

11 MR. KATAEV: Yes.

12 THE COURT: Good afternoon, Mr. Blankenship.

13 THE WITNESS: Good afternoon, sir.

14 THE COURT: Go ahead, Doreen.

15 **DWIGHT BLANKENSHIP,**

16 having been duly sworn, testified as follows:

17 THE CLERK: Please be seated and state and spell
18 your name for the record.

19 THE WITNESS: Dwight Blankenship, D-W-I-G-H-T,
20 B-L-A-N-K-E-N-S-H-I-P.

21 THE COURT: You may proceed, Mr. Kataev.

22 Remember, location, location, location.

23 **DIRECT EXAMINATION**

24 **BY MR. KATAEV:**

25 Q. You were an operations manager at Superb Motors,

Blankenship - Direct/Kataev

96

1 Inc., correct?

2 A. Yes.

3 Q. And that was since November of 2022?

4 A. No, April.

5 Q. Of '23?

6 A. Of '23.

7 Q. Prior to April of '23, were you physically present at
8 Superb Motors, Inc.?

9 A. I was back and forth between the two, yes.

10 Q. When you say between the two --

11 A. Between Northshore and Superb.

12 Q. You did that full time?

13 A. No.

14 Q. You did that part time, correct?

15 A. Yes.

16 Q. And that's because you are an active duty police
17 officer with Nassau County PD, correct?

18 A. Yes.

19 Q. What were the hours that you typically performed
20 services at Northshore and Superb?

21 A. Depends --

22 MR. LEVINE: Objection.

23 THE COURT: The objection is what?

24 MR. LEVINE: Relevance.

25 It's the hours that he worked versus the

Blankenship - Direct/Kataev

97

1 location of the vehicles.

2 THE COURT: If it goes to location.

3 Are you going to tie this to the location of the
4 43 vehicles?

5 MR. KATAEV: If he's a witness, we need to
6 establish when and where he might have witnessed
7 something, your Honor.

8 THE COURT: You may proceed.

9 A. When I wasn't working at PD.

10 Q. What were your hours at PD?

11 A. I flip-flopped between days and nights.

12 Q. The days were from 8 a.m. to --

13 A. Could be 8 to 4, if I took time, I left there,
14 depends on what I was working that day.

15 Q. When you work 8 to 4 is it fair to say that you would
16 come to the dealership after 4?

17 A. Um-hmm.

18 Q. Yes?

19 A. Yes.

20 Q. And if you worked from 4 p.m. to midnight?

21 A. I was there in the mornings.

22 Q. And when you came in the mornings you were present
23 from the morning at about 9 or 10 in the morning?

24 A. From when we opened to probably about lunchtime and
25 then I left and went to work.

Blankenship - Direct/Kataev

98

1 Q. So you would only be present in the mornings from
2 about 9 or 10 until noon or 1, correct?

3 A. Yes.

4 Q. And then in the evenings when you finished at 4 would
5 you be present at the dealership from 5 to 8?

6 A. Probably when they closed, yes.

7 Q. What was the latest they closed?

8 A. Sometimes you could have a customer in there it could
9 be 10 o'clock.

10 Q. So it's fair to say that when you were at Superb from
11 around April until August you were there some evenings
12 from 5 to 10 and some mornings from 9 or 10 until noon,
13 correct?

14 A. Yes.

15 Q. And in the course of you performing duties for Superb
16 you were able to see where vehicles were, correct?

17 A. I did a lot of the repairs and dealt with one of the
18 mechanics, windshields and stuff like that.

19 Yes.

20 Q. You transported a lot of the vehicles, correct?

21 A. Drove them, yes.

22 Q. Is it fair to say of these 43 vehicles you may have
23 transported some of them?

24 A. I may have through the course of my duties, yes.

25 Q. And who would give you direction as to which vehicle

Blankenship - Direct/Kataev

99

1 to transport where?

2 A. It depends on where it had to go.

3 Q. So give me --

4 A. If it's a mechanic, if it was glass, it needed tires,
5 anything like that it would go to certain -- different
6 places.

7 Q. Who would direct you to take the vehicle from
8 somewhere to somewhere else?

9 A. I could ask Marc, I could ask Anthony.

10 Q. Those were the two individuals that told you, take
11 this vehicle here, take this --

12 A. Well, I would tell them it needed this.

13 I got a price from this guy, this guy, where can
14 I take it.

15 Q. Do you recall whether any of these 43 vehicles were a
16 vehicle that you took to a repair shop?

17 A. I wouldn't be able to tell you this.

18 THE COURT: Does this witness have the list of
19 43 vehicles or going by memory?

20 MR. KATAEV: It's up on the ELM0.

21 THE COURT: You have it there?

22 THE WITNESS: I can see it here, your Honor.

23 THE COURT: Okay.

24 BY MR. KATAEV:

25 Q. I'm just asking generally --

Blankenship - Direct/Kataev

100

1 A. I couldn't tell you if there were some of the cars
2 that I moved by looking at a list.

3 Q. When you did move a car, any car from Superb
4 elsewhere, did you update that in the spreadsheet that we
5 have been hearing about?

6 A. Not on the spreadsheet.

7 We had a dry erase board that I wrote it on. We
8 had what cars were out where and I would write it on the
9 dry erase board.

10 Q. And where was the dry erase board?

11 A. It was in the side office at Superb or in the -- when
12 we were open at Northshore it was in the back office at
13 Northshore.

14 Q. And in the course of performing your duties when you
15 were asked to transport vehicles, sometimes you
16 transported vehicles from Superb to Northshore, correct?

17 A. When we had the mechanic there, yes.

18 Q. And you heard testimony about the grand opening
19 event.

20 You were present, correct?

21 A. Yes.

22 Q. And in the course of performing your duties you
23 transported vehicles from Superb to Northshore for that
24 event, correct?

25 A. Yes.

Blankenship - Direct/Kataev

101

1 Q. But you never took any of those vehicles back from
2 Northshore to Superb, correct?

3 A. I wasn't there after that.

4 I went on vacation and that's when we got locked
5 out.

6 Q. And no one ever asked you to take any of those
7 vehicles back, correct?

8 A. I never touched any of the vehicles.

9 Q. Is it fair to say to say most of the vehicles, these
10 of the 43 and others, most of the vehicles were at
11 Northshore in late July, early August?

12 A. I couldn't tell you.

13 Q. How many vehicles do you recall transporting for the
14 event, the grand opening event?

15 A. I don't remember.

16 Q. You transported at least one, right?

17 A. Yeah.

18 Q. Do you recall if you transported two or three?

19 A. One or two, but I don't remember if it was ten, 12.

20 I didn't drive them all over there.

21 Q. And there were other people that helped you transport
22 them as well, correct?

23 A. Sure, if we were only there if I only drove two.

24 Q. Who were some of the people that worked with you to
25 transport vehicle?

Blankenship - Direct/Kataev

102

1 A. We had porters.

2 Q. What were the names of some of those porters?

3 A. I don't remember their names.

4 I know one we called Jelly.

5 THE COURT: Jelly?

6 THE WITNESS: It was a nickname, yes, sir.

7 BY MR. KATAEV:

8 Q. Did you have a peanut butter to go with it?

9 A. What?

10 Q. Withdrawn.

11 Any other people other than Jelly?

12 A. Whatever porters were there.

13 Q. You don't remember the names of the other porters?

14 A. No.

15 THE COURT: Mr. Blankenship, looking at Exhibit
16 3 on your screen, do you know the location or whereabouts
17 of any of the vehicles on this exhibit?

18 THE WITNESS: No, your Honor.

19 THE COURT: All right.

20 Anything else, Mr. Kataev?

21 BY MR. KATAEV:

22 Q. In the Google spreadsheet --

23 THE COURT: How much more do you have with this
24 witness?

25 MR. KATAEV: Maybe ten questions.

Blankenship - Direct/Kataev

103

1 THE COURT: Okay.

2 BY MR. KATAEV:

3 Q. In the Google spreadsheet, for each vehicle was the
4 VIN number listed in it?

5 A. I don't remember.

6 Q. What about the stock number, was that listed?

7 A. One of them had to be listed somehow to identify the
8 vehicle, but I don't remember which one it was.

9 Q. When was the last time you looked at that
10 spreadsheet?

11 A. End of July, beginning of August.

12 Q. On Friday, September 15th, there was a settlement
13 conference held in this courtroom that led to a bunch of
14 vehicles being taken from Northshore back to Superb.

15 Do you recall that?

16 A. I wasn't here for it.

17 Q. Even though you officially became an operations
18 manager in April of 2023, prior to April of 2023 you were
19 also performing duties, correct, for Superb?

20 A. I worked for Anthony Deo at Northshore.

21 Q. And so you would be physically present there as well,
22 correct?

23 A. I was at Northshore.

24 Q. And that's at 180 Michael Drive in Syosset, correct?

25 A. Yes.

Blankenship - Direct/Kataev

104

1 Q. Did you also go to 189 Sunrise Highway?

2 A. It wasn't open.

3 THE COURT: I think that's ten.

4 MR. KATAEV: I think it's a little less than
5 ten, your Honor.

6 Just a few more. I'm looking through my
7 outline.

8 THE COURT: So far I haven't heard anything
9 about this witness having knowledge of location.

10 MR. KATAEV: Give me one second, your Honor.

11 THE COURT: All right.

12 (There was a pause in the proceedings.)

13 THE COURT: Will you have any questions of this
14 witness, Mr. Levine?

15 MR. LEVINE: No, your Honor.

16 THE COURT: All right.

17 Anything more, Mr. Kataev?

18 MR. KATAEV: Just give me one second, your
19 Honor.

20 (There was a pause in the proceedings.)

21 MR. KATAEV: I have one exhibit that we
22 previously used.

23 THE COURT: Okay.

24 MR. KATAEV: I think it was marked as 1.

25 It's ECF 30-8. If I can put it up on the

Blankenship - Direct/Kataev

105

1 screen.

2 THE COURT: We don't have a number 1,
3 Mr. Kataev, that's been marked or admitted into evidence
4 yet.

5 What document are you referring to?

6 MR. KATAEV: It's docket entry 30-8.

7 It's the marked up list.

8 THE COURT: Where is it on your list?

9 Is it Exhibit 1 on your list?

10 MR. KATAEV: I believe it was Exhibit 1.

11 I can place it up --

12 THE COURT: It's list of 120 Team Auto Sales
13 LLC, that wasn't a previous exhibit.

14 MR. LEVINE: I don't think it was ever truly
15 marked.

16 I think we got it used.

17 THE COURT: What are you pulling up now?

18 MR. KATAEV: This is 30-8.

19 I just want to ask him a question about it.

20 MR. LEVINE: Is there a way to remove that red
21 line somehow?

22 THE COURT: I don't know where that red line
23 came from.

24 MR. KATAEV: It's always been there.

25 THE COURT: Okay.

Blankenship - Direct/Kataev

106

1 BY MR. KATAEV:

2 Q. Mr. Blankenship, I'll represent to you that this is
3 an exhibit submitted by your prior attorney,
4 Mr. Thomasson, and there was an attachment to a
5 declaration by Mr. Deo and this is a list of more than 43
6 vehicles, including these 43, it's a total of 89. And
7 Mr. Deo marked it up with information about whether he has
8 it.

9 Do you recall seeing a document like this in the
10 course of this case?

11 A. Not as of August 4th, no.

12 Q. Were you involved in helping answer questions about
13 the location of vehicles in relation to this document?

14 A. I wasn't here at that time.

15 I was on vacation the week before, the whole
16 week.

17 Q. I'll represent to you that it was filed on September
18 11th of 2023.

19 So it could have been created between August and
20 September.

21 A. We weren't there.

22 We weren't there.

23 Q. Correct. This was submitted after August 3rd.

24 My question is, do you recall working with
25 Mr. Deo or Mr. Thomasson in answering questions about

Blankenship - Direct/Kataev

107

1 these vehicles?

2 A. Not that I could recall, no.

3 MR. KATAEV: If I can have a few minutes.

4 THE COURT: All right.

5 That is not evidence.

6 MR. KATAEV: Correct.

7 (There was a pause in the proceedings.)

8 BY MR. KATAEV:

9 Q. Just to confirm, it's your testimony today that you
10 don't know what happened to any of these vehicles,
11 correct?

12 THE COURT: Any what vehicles?

13 BY MR. KATAEV:

14 Q. Any of these 43 vehicles --

15 THE COURT: On Exhibit 3?

16 MR. KATAEV: Exhibit 3.

17 THE COURT: You have Exhibit 3 in front of you?

18 THE WITNESS: Yes.

19 THE COURT: Do you know the whereabouts of any
20 one of them?

21 THE WITNESS: No, sir.

22 THE COURT: Or where they were at any given
23 time?

24 THE WITNESS: I have no idea where they are.

25 THE COURT: Thank you.

Blankenship - Direct/Kataev

108

1 Anything further, Mr. Kataev?

2 MR. KATAEV: Just two more quick questions.

3 THE COURT: I'm counting.

4 BY MR. KATAEV:

5 Q. In the course of preparing for this evidentiary
6 hearing, without disclosing your conversations, did you
7 prepare by ascertaining the whereabouts of these vehicles?

8 A. I don't understand the question.

9 THE COURT: I don't either.

10 BY MR. KATAEV:

11 Q. You knew that there was an evidentiary hearing about
12 these 43 vehicles, correct?

13 A. It started off at a hundred and then it went down to
14 90, 80 and now it's down to 43.

15 But I didn't know what vehicles they were.

16 Q. And you knew that there was going to be this hearing
17 about these 43 vehicles, correct?

18 A. The missing vehicles, yes.

19 Q. My question is, did you in any way prepare and try to
20 ascertain where these vehicles were located for this
21 hearing?

22 A. Did I look for them? No.

23 Q. Say it again?

24 A. Did I look for them?

25 Q. Yes.

Blankenship - Direct/Kataev

109

1 A. No.

2 MR. KATAEV: I have nothing further.

3 THE COURT: Mr. Levine.

4 MR. LEVINE: I have no questions for this
5 witness.

6 THE COURT: Thank you, very much.

7 You may step down.

8 (Witness steps down.)

9 THE COURT: Next witness.

10 MR. KATAEV: Plaintiffs call Eugene Lowe.

11 We are going to have to go outside and get him.

12 THE COURT: All right.

13 Is this Mr. Lowe?

14 THE WITNESS: Yes.

15 THE COURT: Please remain standing and raise
16 your right hand and Doreen will administer the oath.

17 **EUGENE LOWE,**

18 having been duly sworn, testified as follows:

19 THE CLERK: Please be seated and state and spell
20 your name for the record.

21 THE WITNESS: Eugene Lowe, E-U-G-E-N-E, middle
22 initial N, last name L-O-W-E.

23 THE COURT: Good afternoon, Mr. Lowe.

24 Go ahead, Mr. Kataev.

25

Lowe - Direct/Kataev

110

1 DIRECT EXAMINATION

2 BY MR. KATAEV:

3 Q. Mr. Lowe, good afternoon.

4 A. Good afternoon.

5 Q. What was your role at Superb Motors?

6 A. I was the general sales manager.

7 Q. And when, month and year, did you start working there
8 and then when, month and year, did you stop working there?

9 A. I started the end of July 2022, like July 25th, 26th,
10 and my last day was the 30th or 31st of October of '23,
11 2023.

12 Q. When you worked at Superb in July of 2022, was
13 Anthony Deo there?

14 A. No.

15 Q. Do you recall when Anthony Deo started working at
16 Superb?

17 A. It was either the end of November that year or early
18 December of 2022.

19 Q. Before Mr. Deo came to work at Superb, to your
20 knowledge how were vehicles tracked and managed at to
21 figuring out where they are?

22 A. We had -- like, physically where they were, we had a
23 key box that you would put the key in the box and tag them
24 and the tag would let you know who took the key in or out.

25 And then we used something called vAuto, which

Lowe - Direct/Kataev

111

1 was an inventory management system, pretty much let you
2 know what cars were -- well, vAuto fed to the store's
3 website. Any car on the ground would show up on vAuto as
4 an active car.

5 Q. Did vAuto work with any other system that was in
6 place?

7 A. At that time we used DealerTrack, which is like a DMS
8 system, a dealer management system, and it fed to the
9 website.

10 It fed to, like, marketing websites like CARFAX.
11 I'm not sure if at that time we had CarGurus but vAuto
12 feeds to marketing website.

13 Q. And was DealerTrack the DMS system that was in place
14 at all times?

15 A. When I was there prior to whenever Tekion got
16 switched to it was only vAuto, yes.

17 Q. Did at any time the DMS change from DealerTrack to
18 something else?

19 A. It became Tekion.

20 Q. And do you recall when month and year that was?

21 A. I know we were doing training for it -- I can't tell
22 you hundred percent if it was January or end of December,
23 but somewhere around that time.

24 Q. At the time you were working at Superb and using
25 vAuto, DealerTrack or Tekion, do you recall the existence

Lowe - Direct/Kataev

112

1 of any spreadsheets in Excel or Google Docs or Google
2 Sheets to track the whereabouts of vehicles?

3 A. So after when Anthony came on there was a spreadsheet
4 that I guess he incorporated from his previous stores that
5 they used to check inventory at all three locations that
6 he had.

7 Q. To your knowledge, why was a spreadsheet maintained
8 instead of keeping everything in Tekion or vAuto?

9 A. Well, I know he adopted it from what he previously
10 used to do.

11 So vAuto's a little bit more, I guess, in-depth,
12 a little bit more complex. So it does a little bit more
13 than just carry inventory. It carries book values. You
14 can control your pricing in some cases.

15 Also vAuto's a little bit strict when it's
16 pushing to your website. If a car gets sold, per se,
17 it -- like if you sell a car if your DMS system it
18 automatically comes off of vAuto. At that point you lose
19 the advertisement on that vehicle as well.

20 When Anthony came on the idea was to have as
21 many cars as possible online on the website displaying.
22 So taking them off of vAuto wouldn't help. The idea was
23 to keep as many cars on the website at that time.

24 Q. If I understand you correctly, what you are saying is
25 even if a vehicle was sold it was kept on Tekion and vAuto

Lowe - Direct/Kataev

113

1 in order to keep bringing customers in even though the
2 vehicle is not there?

3 A. Correct, unless it was like a car that was, like,
4 just a car that didn't make sense.

5 But, for the most part, any cars that were
6 generating a lot of leads or anything that just had some
7 type of traction would be kept on to keep the clients
8 coming in on those cars.

9 Q. So in essence, if I understand you correctly, the
10 dealership management system was not accurate in terms of
11 which vehicles were actually present in the dealership.

12 Is that right?

13 A. If we are referring to, like, vAuto, yes.

14 Q. And that's not something that occurred prior to
15 Mr. Deo coming on board, correct?

16 A. Correct.

17 Q. When it was impossible to tell whether you had a
18 vehicle present at the dealership through Tekion, how
19 would you personally go about verifying whether you had a
20 vehicle present at the dealership?

21 MR. LEVINE: Objection.

22 THE COURT: Sustained.

23 BY MR. KATAEV:

24 Q. Did there ever come a time when you were unable to
25 tell whether a certain vehicle was present at the

Lowe - Direct/Kataev

114

1 dealership?

2 A. Unless you physically touch the vehicle, in some
3 cases, yes.

4 Q. And how would you go about determining the location
5 of a vehicle that you cannot physically touch?

6 A. Because we had three separate locations could have
7 been at, ideally you would either reach out to somebody in
8 one of the other stores or somebody that had access to the
9 other stores.

10 For example, if a car was sitting at the
11 Northshore lot and Marc or Dwight or anybody over there,
12 anybody in the dealerships were over there you reach out
13 to one of them to determine, hey, this car, is it
14 physically there or not. In some cases you can pull up
15 the spreadsheet and if somebody recently touched it they
16 would have marked it that it was at X location or Y
17 location.

18 Q. Did the spreadsheet have information about --
19 withdrawn.

20 Did the spreadsheet list the date of when the
21 vehicle was moved?

22 A. That I can recall specifically, no, but I'm not a
23 hundred percent sure.

24 Q. To your recollection, what information did the
25 spreadsheet contain?

Lowe - Direct/Kataev

115

1 A. Make, model, VIN, they would try to keep track
2 whether inspections were done on them.

3 If it was in the mechanic shop or in some cases
4 whether the car was good to sell or not. Sometimes you
5 have a line if the car wasn't good to sell what was needed
6 to get the car ready for sale, like it needs tires, it
7 needs brakes, things like that.

8 Q. To your knowledge, how did a vehicle get entered on
9 the spreadsheets?

10 A. It was manually entered.

11 Q. By whom?

12 A. For the most part it was Marc that would enter them.

13 If a trade in came in, I know a lot of different
14 people had access to the sheets. So if a trade-in came
15 in, there might be some manager that might add it, but for
16 the most part any inventory that was touched would be
17 added by Marc for the most part.

18 Q. Do you know whether you still have access to open the
19 spreadsheet?

20 A. I don't.

21 Q. Do you know for a fact that you don't?

22 A. For a fact.

23 Q. How do you know that?

24 A. Because I have seen it on my Google drive I can't
25 open it.

Lowe - Direct/Kataev

116

1 THE COURT: Mr. Kataev, can you show the witness
2 Exhibit 3.

3 I'd like to get location of vehicles.

4 BY MR. KATAEV:

5 Q. I placed up on the screen what has been previously
6 marked as Exhibit 3.

7 To your knowledge, do you have any sense of
8 where any of these vehicles might be, starting with the
9 first one if you have any recollection?

10 MR. LEVINE: Objection to form.

11 THE COURT: Sustained.

12 Do you know the whereabouts of any of these
13 vehicles on this list, Exhibit 3?

14 THE WITNESS: Can you -- I don't know if I can
15 see the whole thing.

16 BY MR. KATAEV:

17 Q. You want me to scroll to the bottom?

18 A. Please.

19 Q. Okay.

20 A. No, nothing sticks out to me, no.

21 THE COURT: Do you know the location or even a
22 former location of any of the vehicles? Can you identify
23 any of the vehicles on this list?

24 THE WITNESS: Just looking at them, no. It's
25 hard to say.

Lowe - Direct/Kataev

117

1 THE COURT: Anything further, Mr. Kataev?

2 BY MR. KATAEV:

3 Q. Were you present at the grand opening event in July?

4 A. I was.

5 Q. Do you recall whether there were vehicles present at
6 that event?

7 A. Just generally?

8 Q. Yes.

9 A. Yes.

10 Q. Where was that grand opening event?

11 A. In Syosset, I don't know the exact address, something
12 Michael Drive.

13 But at the Northshore location.

14 Q. Do you have any recollection of vehicles -- of where
15 vehicles came from for that event?

16 A. Any cars that were there were from Superb.

17 Q. And how do you know that?

18 A. 'Cause Northshore didn't have its own inventory.

19 Q. Did you physically witness vehicles leaving from
20 Superb to Northshore?

21 A. Yes.

22 So to set up for the event a lot of inventory
23 had to move from Superb's lot to get to that lot. The
24 idea was that the grand opening was supposed to be this
25 flashy kind of car like enthusiast scene. So the best

Lowe - Direct/Kataev

118

1 cars had to go there, the nicer looking cars had to go
2 from Superb's lot to that lot.

3 Q. Since the grand opening event at Northshore, did you
4 see any of the vehicles that left from Superb that went to
5 Northshore?

6 Have you ever seen them again after that event?

7 A. It's so many different cars it's hard for me to say
8 whether yes or no.

9 Q. To your knowledge, did any of the vehicles from that
10 event come back from Northshore to Superb?

11 A. I know during this whole situation there was a time
12 when cars had to get picked up from that location where I
13 think it was done through, like, the court.

14 But apart from that, no.

15 THE COURT: Anything else, Mr. Kataev?

16 MR. KATAEV: Let me just look at my notes, your
17 Honor.

18 THE COURT: All right.

19 BY MR. KATAEV:

20 Q. During the course of your duties at Superb, generally
21 speaking, how many cars were present at Superb?

22 A. Normally we sit anywhere between a guesstimate of 60
23 to 80ish cars.

24 THE COURT: Is that all three locations?

25 THE WITNESS: I speak from the perspective of

Lowe - Direct/Kataev

119

1 what inventory was supposed to be at Superb.

2 So 60 to 80 cars, give or take.

3 BY MR. KATAEV:

4 Q. 60 to 80 cars at the physical location, 180 Michael?

5 A. Physically that's normally like 40 to 50.

6 Q. So it fair to say that 40 to 50 were always present
7 at Superb, whereas the remaining 30 were dispersed between
8 Northshore and Sunrise?

9 MR. LEVINE: Objection.

10 A. Ideally.

11 It's not an exact number but depends, yeah. The
12 Sunrise location would hold the least amount of cars.
13 Northshore would hold a decent amount of cars. Superb had
14 the most, but anywhere from 40 to 50 I would put it.

15 Q. After July, how many vehicles were present at Superb
16 out of the 40 or 50?

17 MR. LEVINE: Objection.

18 THE COURT: Sustained.

19 Where's location?

20 MR. KATAEV: Which location?

21 THE COURT: Today, no. You are getting way
22 beyond the scope again.

23 Anything further, Mr. Kataev?

24 MR. KATAEV: Nothing further.

25 THE COURT: Mr. Levine, anything with this

Lowe - Cross/Levine

120

1 witness?

2 MR. LEVINE: Just two questions.

3 THE COURT: All right.

4 THE WITNESS: Okay.

5 CROSS-EXAMINATION

6 BY MR. LEVINE:

7 Q. Are you currently employed?

8 A. Do I work? Yes.

9 Q. Where do you work?

10 A. I work for a law firm out of Texas.

11 Q. When was the last time that you had communication or
12 contact with any of the parties sitting behind me on the
13 right, the defendants in this case?

14 MR. KATAEV: Objection, outside of the scope.

15 THE COURT: Overruled.

16 A. I probably had one conversation with Marc beginning
17 of August, maybe.

18 Q. And what about the plaintiffs?

19 A. I have spoken to them throughout while I was still
20 employed there.

21 But nothing too deep, just couple conversations
22 here and there. There were a couple matters that needed
23 to get figured out with the remaining clients, remaining
24 customers that they were still kind of up in the air.

25 Q. During your testimony you stated that there were

Lowe - Cross/Levine

121

1 vehicles that were moved from the lots and as a result of
2 a court order in this case, correct?

3 A. Um-hmm.

4 Q. How did you discover or learn about that information?

5 A. I was still physically working there.

6 I don't know if it was September or October but
7 I was there when the cars were being moved back to the
8 Superb location.

9 Q. Okay.

10 MR. LEVINE: No further questions.

11 THE COURT: Any follow up?

12 MR. KATAEV: Nothing further, your Honor.

13 THE COURT: You may step down.

14 Thank you.

15 THE WITNESS: Thank you.

16 (Witness steps down.)

17 THE COURT: Next witness.

18 MR. FELSEN: Your Honor, the plaintiffs call
19 Efaz Deo.

20 THE COURT: Is Efaz Deo outside?

21 MR. KATAEV: He is.

22 THE COURT: All right.

23 MR. KATAEV: Would you like me to get him?

24 THE COURT: Either one of you.

25 MR. LEVINE: Your Honor, I object to this

E. Deo - Direct/Felsen

122

1 witness.

2 He's Mr. Deo's son. He was never employed.

3 THE COURT: Let's hear.

4 MR. LEVINE: Okay.

5 THE COURT: Let's hear.

6 MR. KATAEV: I don't know if Mr. Thomasson went
7 to get him.

8 THE COURT: I think he did.

9 (There was a pause in the proceedings.)

10 THE COURT: Please remain standing and raise
11 your right hand. Doreen will administer the oath.

12 **EFAZ DEO,**

13 having been duly sworn, testified as follows:

14 THE CLERK: Please be seated and state and spell
15 your name for the record.

16 THE WITNESS: Efaz Anthony Deo, E-F-A-Z,
17 A-N-T-H-O-N-Y, D-E-O.

18 THE COURT: Good afternoon, Mr. Deo.

19 The witness is yours, Mr. Felsen.

20 DIRECT EXAMINATION

21 BY MR. FELSEN:

22 Q. Good afternoon, Mr. Deo.

23 A. Good afternoon.

24 Q. You were employed by Gold Coast Motors from January
25 2022 through September 2023, correct?

E. Deo - Direct/Felsen

123

1 A. No.

2 Q. Were you ever employed by Gold Coast Motors?

3 A. No.

4 Q. Are you aware that your LinkedIn page says that you
5 were employed by Gold Coast Motors between January 2022
6 and September 2023?

7 A. Yes.

8 Q. So your LinkedIn page says it but your LinkedIn page
9 is incorrect, is that accurate?

10 MR. LEVINE: Objection.

11 THE COURT: Overruled.

12 A. I just put a title there.

13 I wasn't officially employed from Gold Coast
14 Motors.

15 Q. Did you ever perform any duties for Gold Coast
16 Motors?

17 A. Just post on Facebook, like social media.

18 Q. Isn't it true that you performed marketing functions
19 for Gold Coast Motors?

20 A. Yes.

21 Q. You managed branding campaigns and event initiatives
22 for Gold Coast Motors, correct?

23 A. I wouldn't say so, no.

24 Q. You worked closely with the senior director of
25 accounting at Gold Coast Motors, correct?

E. Deo - Direct/Felsen

124

1 A. No.

2 Q. So those are all lies that are on your LinkedIn page.

3 Is that correct?

4 A. Yes.

5 THE COURT: Let's get to location.

6 MR. FELSEN: Okay.

7 THE COURT: I see what you are trying to do,
8 impeach the witness, but I haven't heard any testimony
9 from the witness.

10 BY MR. FELSEN:

11 Q. Among your duties at Gold Coast Motors was to work on
12 a grand opening event at 180 Michael Drive in Syosset,
13 correct?

14 A. Yes.

15 Q. And you prepared for that event, didn't you?

16 A. I don't know what you mean.

17 Q. What did you do in connection with that event?

18 A. Made a flyer and posted on Facebook and Instagram.

19 Q. Were you involved in determining which vehicles would
20 be brought to that location?

21 A. No.

22 Q. There were, in fact, vehicles that were brought to
23 that location, correct?

24 A. Yes.

25 Q. And there were vehicles brought to that location from

E. Deo - Direct/Felsen

125

1 Superb, correct?

2 A. I'm not sure.

3 Q. Isn't it true that you were responsible for taking
4 pictures of all the cars that were at that event?

5 A. No.

6 Q. Who was responsible for taking pictures of those
7 cars?

8 A. I'm not sure.

9 We had a videographer.

10 THE COURT: Let's get to location.

11 Let's show him Exhibit 3 and ask him the
12 ultimate questions, whether he has seen these cars, knows
13 where they are, the whereabouts. That's what this is
14 about.

15 MR. FELSEN: We can ask that. I have one
16 question before that.

17 THE COURT: All right.

18 BY MR. FELSEN:

19 Q. You have no pictures in your possession whatsoever of
20 vehicles that were at this event in Syosset.

21 Is that correct?

22 A. I'm not sure.

23 THE COURT: All right.

24 BY MR. FELSEN:

25 Q. Is it possible that you have pictures in your

E. Deo - Direct/Felsen

126

1 possession --

2 MR. LEVINE: Objection.

3 THE COURT: This is not a deposition. This is
4 not a deposition.

5 Let's get to location. Show him Exhibit 3 and
6 let's ask him the questions about Exhibit 3.

7 BY MR. FELSEN:

8 Q. I'm showing you what was previously marked as
9 Plaintiff Exhibit 3. This is a list of 43 cars that are
10 missing from Superb.

11 I'd ask that you take a look at it and, first
12 off, let me know whether you are familiar with the
13 identity of any vehicles in connection with the event in
14 Syosset?

15 A. No.

16 Q. Do you know any specific cars that were at that
17 event?

18 A. Nope.

19 Q. Were you there that day?

20 A. I was.

21 Q. How many cars were there?

22 A. A lot.

23 I couldn't count.

24 THE COURT: Mr. Deo, looking at Exhibit 3, the
25 exhibit before you, do you know the location or the

E. Deo - Direct/Felsen

127

1 whereabouts of any of the vehicles that are listed here?

2 THE WITNESS: No.

3 THE COURT: Anything further, Mr. Felsen?

4 BY MR. FELSEN:

5 Q. I just want you to look at the exhibit.

6 MR. FELSEN: It's not clear to me that he
7 actually looked at the exhibit.

8 THE COURT: Did you look at the exhibit?

9 THE WITNESS: Yes.

10 THE COURT: It's on the screen, right?

11 THE WITNESS: Yes.

12 THE COURT: Go ahead.

13 BY MR. FELSEN:

14 Q. I would ask to the extent that you have pictures of
15 cars that you produce them --

16 THE COURT: This is not a deposition.

17 You can serve document demands after this
18 hearing. You can depose him after this hearing. But
19 that's not for this hearing.

20 MR. FELSEN: No further questions.

21 THE COURT: Any questions, Mr. Levine?

22 MR. LEVINE: Like one or two questions, tops.

23 THE COURT: Just like one or one?

24 MR. LEVINE: Yes. Two.

25 THE COURT: Two. Okay.

E. Deo - Cross/Levine

128

1 You just doubled it. Go ahead.

2 CROSS-EXAMINATION

3 BY MR. LEVINE:

4 Q. Do you live with your parents?

5 A. Yes.

6 Q. Have you seen any of these 43 vehicles at your
7 parents' house?

8 A. From what I can see, no.

9 MR. LEVINE: No further questions.

10 THE COURT: Any follow up, Mr. Felsen?

11 MR. FELSEN: No, your Honor.

12 THE COURT: Thank you, Mr. Deo.

13 You may step down.

14 THE WITNESS: Thank you.

15 (Witness steps down.)

16 MR. KATAEV: Your Honor, can we take a
17 five-minute recess to figure out the next witness?

18 THE COURT: You get.

19 Let's say by 4:20 we are back in the seats.

20 (Recess.)

21 (Continued on next page.)

22

23

24

25

E. Deo - Cross/Levine

129

1 (Following a recess.)

2 THE COURT: Please be seated.

3 Any further witnesses?

4 MR. KATAEV: Yes, your Honor, but we are waiting
5 for Mr. Urrutia to return.

6 We still have three minutes.

7 THE COURT: All right.

8 (There was a pause in the proceedings.)

9 THE COURT: Are you ready to proceed?

10 MR. KATAEV: Yes.

11 Plaintiffs call Defendant Michael Lowery.

12 THE COURT: Laurie?

13 MR. KATAEV: Lowery.

14 THE COURT: It's Laurie, correct?

15 THE WITNESS: Yes.

16 THE COURT: Okay.

17 Mr. Laurie , if you could remain standing, raise
18 your right hand and, go ahead, Doreen.

19 You can administer the oath.

20 **MICHAEL LAURIE,**

21 having been duly sworn, testified as follows:

22 THE CLERK: Please be seated and state and spell
23 your name for the record.

24 THE WITNESS: My name is Michael Laurie,
25 M-I-C-H-A-E-L, last name Laurie, L-A-U-R-I-E.

Laurie - Direct/Kataev

130

1 THE COURT: Good afternoon, Mr. Laurie .

2 THE WITNESS: Good afternoon.

3 THE COURT: The witness is yours, Mr. Kataev.

4 DIRECT EXAMINATION

5 BY MR. KATAEV:

6 Q. Mr. Laurie, good afternoon.

7 You are the owner of Daylight Capital Partners,
8 correct?

9 A. That's correct.

10 Q. But you also assist Mr. Deo in the operation of
11 dealerships that he operates, correct?

12 A. Incorrect.

13 Q. I'd like to present you with --

14 MR. KATAEV: I think this is 18 D, your Honor.

15 THE COURT: 18 D.

16 18 D is --

17 MR. KATAEV: I apologize.

18 We have to do 18 E.

19 THE COURT: It's a new exhibit?

20 MR. KATAEV: Correct.

21 THE COURT: Okay.

22 18 D is marked but not in evidence.

23 MR. KATAEV: I'm going to update this to E.

24 THE COURT: This is now 18 E?

25 MR. KATAEV: That's correct, your Honor.

Laurie - Direct/Kataev

131

1 THE COURT: Are you offering this in evidence?

2 MR. KATAEV: I am, but I want to lay a
3 foundation.

4 THE COURT: Any objection?

5 MR. LEVINE: Even if a foundation for this email
6 is laid, I don't see where there is any indication that
7 there are attachments to the email, and there are several
8 pages of documents.

9 THE COURT: There is a whole collection of
10 documents that are part of what you call E.

11 MR. KATAEV: I'm focused just on the first page,
12 your Honor.

13 THE COURT: All right.

14 Let's tear out the rest of it. It's only the
15 first page. Let's remove that from the witness, all
16 right?

17 MR. KATAEV: Yes.

18 THE COURT: I don't see you moving.

19 MR. KATAEV: Sorry.

20 It's good exercise, your Honor.

21 THE COURT: 18 E is just a one-page document.
22 Any objection to the one-page document?

23 MR. LEVINE: I have no objection. It's fine.

24 THE COURT: It's in evidence.

25 (Plaintiff Exhibit 18 E in evidence.)

Laurie - Direct/Kataev

132

1 BY MR. KATAEV:

2 Q. Mr. Laurie, you sent an email to Alicia, Mr. Deo and
3 Tony in this document, correct?

4 A. That's what it says.

5 Q. And it was sent in or about December of 2022,
6 correct?

7 A. Yep.

8 Q. And in here you state that you will address the fact
9 that the office has still not received deals for Superb
10 Motors as of yesterday evening, correct?

11 A. Alicia said that the office had not received the
12 deals.

13 That's correct.

14 Q. And you testified that you were not involved in the
15 operation of these dealerships, but this email shows
16 contrary.

17 Correct?

18 A. Incorrect.

19 This was a very specific thing that Anthony
20 asked me to handle because there was files that were not
21 moved and he asked me if he could -- if I could help move
22 this along because him and Alicia were not getting along,
23 and I said, look. I'll step in. I had spoken to Tony and
24 I said I'll help you out.

25 And that's when he made that email and called me

Laurie - Direct/Kataev

133

1 his business manager but I looked to find any other emails
2 where I was doing any other business for the organization.

3 Q. And even though this email lists you as the business
4 manager for Northshore Motors, you were assisting with
5 Superb Motors deals.

6 Correct?

7 A. That was probably correct because the transactions
8 were all Superb at the time.

9 Q. And you also maintained an office at Superb Motors at
10 some point, correct?

11 A. In and out, yes.

12 Q. And what time period was that, month and year to
13 month and year?

14 A. I couldn't tell you the exact timing.

15 Q. Do you recall if it was after November of 2022?

16 MR. LEVINE: Objection.

17 It's completely irrelevant.

18 THE COURT: Overruled.

19 A. Probably far after that.

20 I was in and out but I remember it was not in
21 '22. That, I remember. It was maybe in '23 for a couple
22 months. It was easier to be there because I'm Anthony's
23 friend and was helping him to get through the stressful
24 period that he was having with Superb.

25 Q. So you were at Superb Motors to assist Anthony Deo as

Laurie - Direct/Kataev

134

1 a friend, correct?

2 A. That's correct.

3 Q. When you were present at Superb Motors you observed
4 that vehicles were present at that dealership, right?

5 A. Sure.

6 Q. And you were also present at the grand opening event
7 in July at 180 Michael Drive, correct?

8 A. No.

9 I was out of town.

10 Q. Prior to the event did you help your friend Anthony
11 Deo move the cars over there?

12 A. I did not move any cars.

13 I did not drive any cars. I did not move any
14 cars for the organization.

15 Q. Did you observe anyone moving cars for Anthony Deo
16 from Superb to Northshore?

17 A. Cars went back and forth at the time because they had
18 to be repaired.

19 But other than that...

20 Q. And how do you know that, that that's what happened
21 with cars?

22 A. Because I was standing in front of Marc or Dwight and
23 they would say, a car needs to be sent.

24 A porter would take a car, and they would come
25 back all the time.

Laurie - Direct/Kataev

135

1 Q. Focusing on Exhibit 3, which is in front of you on
2 the screen --

3 A. Um-hmm.

4 Q. Could you tell us the location of any of these
5 vehicles?

6 A. No, sir.

7 Q. Have you made any effort to ascertain the whereabouts
8 of these vehicles?

9 A. No, sir.

10 Q. Are you aware as to whether any of these vehicles
11 were present at the grand opening event?

12 A. No.

13 Q. When did you return from being away in August -- end
14 of July, early August --

15 A. It was after the event because I was not happy about
16 missing it but I did.

17 I was out of town.

18 Q. Do you recall when you returned?

19 A. No.

20 I was in Trinidad. I'd have to go to my
21 passport and take a look and compare dates.

22 Q. Do you recall whether you returned in August of '23?

23 A. Oh, I was back in town by then, August of '23, yeah.
24 I was back in town.

25 Q. After you returned from Trinidad in August of 2023,

Laurie - Direct/Kataev

136

1 did you come to 180 Michael Drive?

2 A. Maybe.

3 Q. Did you observe vehicles from Superb at 180 Michael
4 Drive --

5 A. That, I wouldn't know.

6 Q. You don't know?

7 A. I wouldn't know what vehicles belonged where or to
8 who.

9 That wasn't anything that I did.

10 Q. After you returned from Trinidad in August 2023, how
11 many vehicles do you recall seeing present at 180 Michael
12 Drive?

13 A. No recall.

14 I have no idea.

15 Q. Were there zero vehicles there?

16 A. I can't answer that question.

17 Q. Because you don't remember?

18 A. Because I don't remember.

19 THE COURT: Anything further, Mr. Kataev?

20 MR. KATAEV: Just confer with counsel.

21 (There was a pause in the proceedings.)

22 BY MR. KATAEV:

23 Q. You testified that you were helping your friend
24 Anthony Deo because he was stressed.

25 What was Mr. Deo stressed about?

Laurie - Direct/Kataev

137

1 A. He was running a new organization.

2 He had lots of things going on in his life, and
3 that's that.

4 THE COURT: Anything further about location,
5 Mr. Kataev?

6 MR. KATAEV: Nothing further, your Honor.

7 THE COURT: Mr. Levine?

8 MR. LEVINE: I have no questions.

9 THE COURT: Next witness, please.

10 Thank you, very much.

11 THE WITNESS: Thank you, sir.

12 THE COURT: Next witness is.

13 MR. FELSEN: Plaintiffs call Harry Thomasson.

14 THE COURT: Okay.

15 Mr. Thomasson. Doreen, if you would administer
16 the oath.

17 THE CLERK: Please raise your right hand.

18 **HARRY THOMASSON,**

19 having been duly sworn, testified as follows:

20 THE CLERK: Please be seated and state and spell
21 your name for the record.

22 THE WITNESS: My name is Harry Thomasson,
23 H-A-R-R-Y, last name is T-H-O-M-A-S-S-O-N.

24 Good afternoon, your Honor.

25 THE COURT: Good afternoon, Mr. Thomasson.

Thomasson - Direct/Felsen

138

1 You may proceed, Mr. Felsen.

2 DIRECT EXAMINATION

3 BY MR. FELSEN:

4 Q. Good afternoon, Mr. Thomasson.

5 Like Mr. Laurie , you also maintained an office
6 at Superb, isn't that true?

7 A. For a couple of weeks.

8 Q. What was the purpose for which you maintained an
9 office at Superb for a couple of weeks?

10 A. There were several reasons.

11 First and foremost, I was and am still planning
12 a move to Connecticut and I need to maintain an office in
13 New York if I'm going to continue to practice here. So I
14 had spoken with Anthony about that and he said you can
15 take an office at Superb if you want. That will be the
16 shortest drive from Connecticut.

17 The other main reason was there was discussions
18 between Anthony and Tony Urrutia that Anthony had told me
19 about regarding the purchase of the other half of Superb
20 and also the purchase of a dealership that Mr. Urrutia had
21 in Hartford, Connecticut. So I was working on some
22 dealership paperwork, expecting that those deals were
23 going to move forward.

24 Q. Did you have an office in New York prior to the
25 three-week period that you held an office at Superb?

Thomasson - Direct/Felsen

139

1 A. Yes.

2 Q. Where was your office prior to that?

3 A. I have had a home office since COVID.

4 I was very ill with COVID, and so I have not
5 reopened an outside office since.

6 Q. But you could have continued to maintain an office in
7 your home, correct?

8 MR. LEVINE: Objection.

9 THE COURT: Basis?

10 MR. LEVINE: Whether he could have maintained an
11 office in his house?

12 It has no relevance to this case at all.

13 THE COURT: Scope?

14 MR. LEVINE: Scope, yes.

15 THE COURT: Sustained.

16 MR. KATAEV: I'm trying to understand why he has
17 an office --

18 THE COURT: Let's get to Exhibit 3.

19 BY MR. FELSEN:

20 Q. When you were at Superb for those three weeks did you
21 see vehicles that were at the dealership?

22 A. Only in the sense of walking by a field and seeing
23 blades of grass.

24 I couldn't tell you anything about any one of
25 those blades.

Thomasson - Direct/Felsen

140

1 Q. Can you estimate approximately how many vehicles were
2 at Superb during the period that you were there?

3 MR. LEVINE: Objection to form. On any given
4 day?

5 THE COURT: Overruled.

6 A. The lot was full.

7 When I heard someone testifying earlier that it
8 was 30 or 40 cars, it sure looked like more than that to
9 me.

10 Q. Did you see any cars leaving Superb during the period
11 that you were there?

12 A. I mean, I suppose I probably saw someone coming or
13 going, it could have been a customer, it could have been
14 someone going out to lunch.

15 But in the sense of moving Superb cars? I have
16 zero knowledge about that.

17 Q. Were you aware of this grand opening that you have
18 heard testimony about at the Syosset location?

19 A. No.

20 Q. You did not attend that grand opening in Syosset?

21 A. When I heard about this today that's news to me.

22 I never knew anything about it.

23 THE COURT: Mr. Thomasson, if you have Exhibit 3
24 in front of you?

25 THE WITNESS: This, Judge?

Thomasson - Direct/Felsen

141

1 THE COURT: Yes.

2 THE WITNESS: Yes.

3 THE COURT: Mr. Felsen, maybe you can scan it up
4 and down so he can see the entire document.

5 My question for you is, do you know the
6 whereabouts or location of any of the vehicles listed on
7 this list?

8 THE WITNESS: I know I have never known where
9 any of these vehicles have ever been since their
10 manufacture.

11 I can tell you where they haven't been, but not
12 where they have been.

13 THE COURT: Okay.

14 Do you have knowledge of where they are now?

15 THE WITNESS: Absolutely not.

16 THE COURT: All right.

17 Go ahead, were Felsen.

18 BY MR. FELSEN:

19 Q. Did you -- have you ever made any efforts leading up
20 to this hearing to locate the whereabouts of any of these
21 vehicles?

22 A. I discussed it with Anthony.

23 Q. And what was your discussion with Anthony concerning
24 the whereabouts of the --

25 MR. LEVINE: Objection, privileged.

Thomasson - Direct/Felsen

142

1 THE COURT: That is privileged.

2 BY MR. FELSEN:

3 Q. Have you had any discussions with Anthony since the
4 time that you were relieved as his counsel regarding the
5 whereabouts of these vehicles?

6 MR. LEVINE: Objection.

7 That would still be --

8 THE COURT: The question is whether they have
9 had any conversations is not privileged.

10 MR. LEVINE: That's fair.

11 THE COURT: We'll take one step at a time.

12 Go ahead.

13 A. Could you repeat that, counsel.

14 Q. Have you had any conversations with Anthony after you
15 were relieved as counsel concerning the whereabouts of
16 these vehicles?

17 A. Yes.

18 Q. How many conversations did you have with Anthony
19 during that period?

20 MR. LEVINE: Your Honor --

21 A. By a handful --

22 THE COURT: Hold up.

23 MR. LEVINE: Even if he was relieved as counsel
24 for this case, that doesn't necessarily mean that he isn't
25 acting in a professional capacity.

Thomasson - Direct/Felsen

143

1 THE COURT: Let's not suggest any testimony to
2 the witness.

3 MR. LEVINE: Okay.

4 THE COURT: We'll take one step at a time.

5 There was an appropriate question and it's not
6 protected by privilege.

7 MR. LEVINE: Okay.

8 A. By saying that I have had a handful of conversations
9 with Anthony about this, I don't know that it means five.

10 It's up to five.

11 Q. Have you gone through this list with Anthony since
12 you were relieved as counsel?

13 A. Yes.

14 Q. And what were the contents of those conversations?

15 THE COURT: Hold on a second.

16 Were you in those conversations, was Anthony's
17 counsel present?

18 THE WITNESS: You mean Mr. Levine?

19 THE COURT: Yes, or any other counsel?

20 THE WITNESS: No.

21 THE COURT: Go ahead.

22 THE WITNESS: I'm sorry. I don't know what the
23 question is now.

24 BY MR. FELSEN:

25 Q. The question is, since you have been relieved as

Thomasson - Direct/Felsen

144

1 counsel, what were the conversations related to the
2 contents of this document?

3 A. His discovery that most of these vehicles were still
4 in Superb's possession and/or Superb has disposed of these
5 vehicles.

6 Q. And --

7 A. I think about 36 of the 43 vehicles he was able to
8 find that they did something with.

9 THE COURT: They meaning who?

10 THE WITNESS: Superb, and Mr. Urrutia.

11 THE COURT: Okay.

12 BY MR. FELSEN:

13 Q. Did he provide you with the basis for that
14 conclusion?

15 A. He provided a folder of material, at least some of
16 which I believe is in Mr. Levine's exhibit list.

17 Q. What sort of documents did he provide to you to show
18 you that documents on this list are in the possession of
19 Superb?

20 MR. LEVINE: Your Honor, can I request a
21 sidebar?

22 THE COURT: Sure.

23 (Continued on next page.)
24
25

Thomasson - Direct/Felsen

145

1 (Sidebar.)

2 THE COURT: Yes.

3 MR. LEVINE: I just would like to treat these
4 type of situations with attorney-client privilege with kid
5 gloves.

6 There is a separate action in the state courts
7 that was just commenced by Mr. Urrutia against Anthony
8 Deo.

9 THE COURT: Okay.

10 MR. LEVINE: And I know that Mr. Deo hasn't been
11 talking to him about that and to the extent that
12 anything --

13 THE COURT: Is he representing him?

14 MR. LEVINE: He's not yet but I have appeared
15 and got an extension for him to answer.

16 I have not formally been retained to go forward
17 on that yet and Mr. Thomasson may.

18 THE COURT: But he has not been.

19 Has he --

20 MR. LEVINE: He been formally retained? I don't
21 know.

22 THE COURT: Then do a voir dire.

23 MR. LEVINE: Listen, whether or not this is even
24 relevant I don't want to -- acting as the attorney I want
25 to preserve.

Thomasson - Direct/Felsen

146

1 THE COURT: I get it, but either he was the
2 lawyer for them or not and he's a defendant in this case.

3 He having conversations with a codefendant
4 without counsel --

5 MR. LEVINE: He might also be the attorney for
6 that other case.

7 THE COURT: Let's find out.

8 MR. KATAEV: Two points on that.

9 This limited hearing that we are not going to
10 get into for that other case and, second, he's been
11 relieved as counsel in this case. And there's an issue of
12 privilege we can brief it later.

13 THE COURT: Yes.

14 MR. LEVINE: The other issue of breach of
15 fiduciary duty in the case.

16 THE COURT: Let's move on, then.

17 Is there something about location about this
18 conversation?

19 MR. KATAEV: Yes.

20 MR. LEVINE: Like I said, I have no idea where
21 they are going and I doubt it's anything important in
22 terms of what he's going to say.

23 I'm trying to --

24 MR. KATAEV: Preserve the right.

25 MR. LEVINE: And cover my butt.

Thomasson - Direct/Felsen

147

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

MR. KATAEV: Got it.

THE COURT: Thank you.

(Sidebar concluded.)

(Continued on next page.)

Thomasson - Direct/Felsen

148

1 (In open court.)

2 THE COURT: You may proceed, Mr. Felsen.

3 BY MR. FELSEN:

4 Q. Mr. Thomasson, are you representing Anthony Deo in
5 any other legal proceedings currently?

6 A. Yes.

7 Q. In which legal proceeding are you representing him?

8 THE WITNESS: I don't know if I have authority
9 to say that, Judge.

10 THE COURT: I can't answer that for you.

11 Is it privileged?

12 THE WITNESS: I don't know. It might be.

13 But I know I don't -- I didn't ask if I had
14 permission to discuss anything else.

15 THE COURT: He's not asking you yet content.

16 He's asking you whether you have been retained
17 or are representing or providing legal advice to Mr. Deo.

18 THE WITNESS: Yes, I am.

19 THE COURT: Okay.

20 BY MR. FELSEN:

21 Q. Would that representation require you to reveal
22 privileged communications about this list that we are
23 looking at?

24 A. No, I don't think so.

25 If it's regarding this list, I'm not aware of

Thomasson - Direct/Felsen

149

1 any privileged communications that would prevent me from
2 discussing this list.

3 Q. Is there -- are there any vehicles on this list
4 during your communications with Anthony that he's told you
5 where they specifically are?

6 A. This list here of 43, and this is 43?

7 If I counted it it would say 43?

8 THE COURT: Yes.

9 BY MR. FELSEN:

10 Q. Yes.

11 A. Okay.

12 No. He does not know the whereabouts from our
13 discussions of any of these vehicles.

14 Q. Now, you testified a little while ago that you had
15 discussed the whereabouts, I believe, of 36, leaving
16 seven.

17 Where are those other seven?

18 A. I believe that he was able to come up with
19 information about 36 of these 43 vehicles, roughly 36,
20 maybe it's 36, maybe it's 35, but roughly 36 vehicles were
21 in some way, shape, or form always with Superb and not
22 with Anthony Deo.

23 Q. And you have documents in your possession related to
24 those 36 vehicles?

25 A. He told me about documents that would support his

Thomasson - Direct/Felsen

150

1 position that those 36 vehicles were always with Superb
2 and never with him.

3 And I told him that those documents needed to go
4 to Brian Levine and he needed to make sure that Brian
5 understood what the documents meant.

6 Q. What about these seven vehicles that you didn't
7 discuss with him?

8 A. I said do you know anything about those other seven?

9 He said I can't find anything on them and I
10 don't know anything about those vehicles or where they
11 are.

12 Q. And did he tell you what efforts he undertook to try
13 to locate those seven vehicles?

14 A. No.

15 I had the impression that he undertook efforts
16 but I can't say that I know what they are.

17 MR. FELSEN: Just one minute, your Honor.

18 THE COURT: Sure.

19 Are you going to have questions, Mr. Levine?

20 MR. LEVINE: At this moment, no.

21 (There was a pause in the proceedings.)

22 MR. FELSEN: Nothing further, your Honor.

23 THE COURT: Very well.

24 Mr. Levine, are you sticking by your original
25 answer?

1 MR. LEVINE: Yes, your Honor.

2 THE COURT: Thank you, very much, Mr. Thomasson.

3 You may step down.

4 (Witness steps down.)

5 THE COURT: Next witness?

6 MR. KATAEV: We need to confirm if any
7 additional witnesses are here.

8 THE COURT: You have five minutes.

9 (There was a pause in the proceedings.)

10

11 THE COURT: Mr. Kataev, anything further?

12 MR. KATAEV: Plaintiffs rest, your Honor.

13 THE COURT: Any witnesses on your behalf,
14 Mr. Levine?

15 I'm not pressuring you in any way.

16 MR. LEVINE: I know. I just don't want to waste
17 any time, ours, theirs, yours.

18 I don't think I have any questions for any
19 witnesses.

20 THE COURT: A couple things then.

21 So what you have to do is order the transcript
22 from Paul and I suggest you share that, split that. Do
23 you want the opportunity to submit post-hearing proposed
24 submissions or findings?

25 MR. KATAEV: Yes, your Honor.

1 THE COURT: Why don't we do it simultaneous so
2 it's not back and forth.

3 I'm thinking about two weeks to do so, unless
4 you folks have trials or vacations or something that would
5 interfere with that.

6 MR. KATAEV: It's going to take some time, your
7 Honor, to get the transcript itself.

8 THE COURT: You are talking about lightning Paul
9 here.

10 MR. KATAEV: I didn't know that was his
11 nickname, your Honor, but I would suggest four weeks.

12 MR. LEVINE: Your Honor, I don't want to use it
13 as an excuse.

14 My partner's one year old daughter died this
15 weekend and he's going to be out of the office the next
16 week and a half, two weeks.

17 MR. KATAEV: We said four weeks.

18 MR. LEVINE: I'm fine with four weeks.

19 THE COURT: Why don't we say March 22. That's a
20 Friday, a little more than four weeks.

21 You submit proposed findings and conclusions
22 from today's hearing and what this relates to is the
23 motion, remember, Mr. Kataev, it relates to your motion to
24 modify the preliminary injunction, of which I have already
25 issued an order on. This is sort of the very end of that

1 and that is the location of vehicles, if that has any
2 impact on the existing injunction.

3 All right?

4 MR. KATAEV: Understood, your Honor.

5 THE COURT: Anything further, Mr. Kataev?

6 MR. KATAEV: No, your Honor.

7 THE COURT: Mr. Levine?

8 MR. LEVINE: No, not with respect to this.

9 THE COURT: Anything else you want to talk
10 about?

11 MR. LEVINE: I guess I can do it by letter
12 motion?

13 THE COURT: Very well.

14 I think you are still under that expedited
15 schedule, right?

16 MR. KATAEV: Yes, your Honor.

17 THE COURT: Okay.

18 I appreciate your professionalism and I look
19 forward to seeing your submissions.

20 MR. LEVINE: Okay.

21 THE COURT: Take care.

22 Have a good night, everybody.

23 MR. LEVINE: Thank you.

24 (The matter concluded.)

25

I N D E X

Witnesses	Page
ANTHONY DEO	15
DIRECT EXAMINATION	
BY MR. KATAEV	15
CROSS-EXAMINATION	
BY MR. LEVINE	72
REDIRECT-EXAMINATION	
BY MR. KATAEV	78
RE CROSS-EXAMINATION	
BY MR. LEVINE	83
MARC MERCKLING	85
DIRECT EXAMINATION	
BY MR. FELSEN	86
DWIGHT BLANKENSHIP	95
DIRECT EXAMINATION	
BY MR. KATAEV	95
EUGENE LOWE	109
DIRECT EXAMINATION	110

1 BY MR. KATAEV

2 CROSS-EXAMINATION

3 BY MR. LEVINE

120

5 **EFAZ DEO**

122

6 DIRECT EXAMINATION

7 BY MR. FELSEN

122

8 CROSS-EXAMINATION

9 BY MR. LEVINE

128

11 **MICHAEL LAURIE**

129

12 DIRECT EXAMINATION

13 BY MR. KATAEV

130

15 **HARRY THOMASSON**

137

16 DIRECT EXAMINATION

17 BY MR. FELSEN

138

19 E X H I B I T S

20 Page

23 Plaintiff Exhibit 3 in evidence

20

24 Plaintiff Exhibit 18 A in evidence

32

25 Plaintiff Exhibit 18 B in evidence

41

1	Plaintiff Exhibit 4 C in evidence	80
2	Plaintiff Exhibit 18 E in evidence	131
3	Defense Exhibit N in evidence	72
4	Defense Exhibit V in evidence	75
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

\$	46:9, 46:18, 130:14, 130:15, 130:16, 130:18, 130:22, 130:24, 131:21, 131:25, 155:24, 155:25, 156:2	3	144:7, 149:6, 149:7, 149:19
\$500,000 [1] - 16:3		3 [46] - 19:13, 19:19, 19:22, 20:1, 21:15, 21:21, 21:24, 24:6, 26:14, 28:22, 28:25, 29:14, 29:16, 29:17, 29:18, 29:20, 29:24, 30:2, 33:21, 35:4, 35:22, 62:8, 63:4, 64:9, 76:13, 76:15, 78:5, 79:25, 92:24, 93:1, 102:16, 107:15, 107:16, 107:17, 116:2, 116:6, 116:13, 125:11, 126:5, 126:6, 126:9, 126:24, 135:1, 139:18, 140:23, 155:23	49 [1] - 15:24 4:20 [1] - 128:19 4th [2] - 55:10, 106:11
'		30 [5] - 3:13, 7:8, 7:23, 119:7, 140:8 30-8 [6] - 25:3, 26:19, 29:22, 104:25, 105:6, 105:18 3000 [1] - 1:15 30th [1] - 110:10 31st [1] - 110:10 32 [4] - 65:22, 65:23, 68:21, 155:24 3394 [3] - 34:14, 41:24, 42:1 35 [1] - 149:20 36 [8] - 144:7, 149:15, 149:19, 149:20, 149:24, 150:1 3:23 [1] - 32:25 3GCPYFED9MG3833 [1] - 34:15 3rd [2] - 73:2, 106:23	5
'22 [2] - 69:17, 133:21 '23 [10] - 39:24, 42:13, 74:21, 96:5, 96:6, 96:7, 110:10, 133:21, 135:22, 135:23 'whereabouts [1] - 2:23	180 [18] - 57:1, 57:5, 57:7, 57:15, 57:21, 58:8, 61:5, 61:8, 63:15, 63:24, 69:15, 103:24, 119:4, 124:12, 134:7, 136:1, 136:3, 136:11 189 [4] - 63:17, 64:2, 69:16, 104:1 18th [2] - 3:22, 4:2 19th [1] - 66:4 1:30 [1] - 1:8 1:56 [1] - 33:1	30 [5] - 3:13, 7:8, 7:23, 119:7, 140:8 30-8 [6] - 25:3, 26:19, 29:22, 104:25, 105:6, 105:18 3000 [1] - 1:15 30th [1] - 110:10 31st [1] - 110:10 32 [4] - 65:22, 65:23, 68:21, 155:24 3394 [3] - 34:14, 41:24, 42:1 35 [1] - 149:20 36 [8] - 144:7, 149:15, 149:19, 149:20, 149:24, 150:1 3:23 [1] - 32:25 3GCPYFED9MG3833 [1] - 34:15 3rd [2] - 73:2, 106:23	5 [9] - 26:1, 26:7, 35:16, 35:20, 39:5, 98:5, 98:12 50 [4] - 119:5, 119:6, 119:14, 119:16 56-2 [1] - 29:21 5th [2] - 28:1, 28:2
0		30 [5] - 3:13, 7:8, 7:23, 119:7, 140:8 30-8 [6] - 25:3, 26:19, 29:22, 104:25, 105:6, 105:18 3000 [1] - 1:15 30th [1] - 110:10 31st [1] - 110:10 32 [4] - 65:22, 65:23, 68:21, 155:24 3394 [3] - 34:14, 41:24, 42:1 35 [1] - 149:20 36 [8] - 144:7, 149:15, 149:19, 149:20, 149:24, 150:1 3:23 [1] - 32:25 3GCPYFED9MG3833 [1] - 34:15 3rd [2] - 73:2, 106:23	6
00819 [1] - 33:10 07 [1] - 42:1 0786 [1] - 41:23 0819 [1] - 34:13		30 [5] - 3:13, 7:8, 7:23, 119:7, 140:8 30-8 [6] - 25:3, 26:19, 29:22, 104:25, 105:6, 105:18 3000 [1] - 1:15 30th [1] - 110:10 31st [1] - 110:10 32 [4] - 65:22, 65:23, 68:21, 155:24 3394 [3] - 34:14, 41:24, 42:1 35 [1] - 149:20 36 [8] - 144:7, 149:15, 149:19, 149:20, 149:24, 150:1 3:23 [1] - 32:25 3GCPYFED9MG3833 [1] - 34:15 3rd [2] - 73:2, 106:23	60 [3] - 118:22, 119:2, 119:4 615 [2] - 12:22, 13:5 631 [2] - 1:21, 1:21
1	2	4	7
1 [14] - 19:13, 19:17, 20:5, 21:22, 25:2, 28:14, 28:16, 29:15, 76:12, 98:2, 104:24, 105:2, 105:9, 105:10 10 [5] - 97:23, 98:2, 98:9, 98:12 100 [1] - 1:21 109 [1] - 154:24 11 [2] - 72:21, 72:22 110 [1] - 154:25 11042 [1] - 1:16 1130 [1] - 22:1 11722 [1] - 1:21 1180 [1] - 1:21 11801 [1] - 1:18 11th [1] - 106:18 12 [2] - 20:9, 101:19 120 [3] - 28:17, 105:12, 155:3 122 [2] - 155:5, 155:7 1276 [1] - 72:22 128 [1] - 155:9 129 [1] - 155:11 130 [1] - 155:13 1307 [2] - 33:24, 34:18 131 [1] - 156:2 134 [1] - 12:5 137 [1] - 155:15 138 [1] - 155:17 14th [1] - 37:17 15 [3] - 20:10, 154:6, 154:8 1500 [1] - 42:2 15th [1] - 103:12 17 [8] - 76:5, 76:12, 76:16, 80:15, 80:16, 82:1, 83:18 18 [37] - 31:15, 31:16, 31:17, 31:18, 31:20, 31:23, 32:14, 32:17, 32:19, 35:3, 40:16, 40:19, 40:20, 40:22, 41:7, 41:16, 43:1, 44:13, 44:24, 44:25, 45:2, 45:18, 46:7,	2 [15] - 21:11, 21:12, 21:20, 23:11, 24:25, 25:4, 25:12, 25:13, 25:21, 26:11, 26:15, 41:3, 41:9, 74:7, 79:3 2/25/23 [1] - 23:15 20 [4] - 1:7, 21:25, 24:7, 155:23 2000 [1] - 72:10 2019 [2] - 19:10, 27:2 2021 [1] - 42:2 2022 [11] - 15:17, 16:1, 69:13, 96:3, 110:9, 110:12, 110:18, 122:25, 123:5, 132:5, 133:15 2023 [32] - 23:19, 24:22, 27:5, 38:5, 41:4, 41:10, 42:6, 42:12, 44:10, 45:6, 45:15, 55:25, 57:21, 61:20, 69:14, 74:7, 74:23, 76:5, 78:18, 79:3, 79:25, 80:15, 82:1, 83:18, 103:18, 106:18, 110:11, 122:25, 123:6, 135:25, 136:10 2024 [3] - 1:7, 39:5, 66:4 21 [2] - 45:6, 45:15 215 [1] - 55:19 22 [1] - 152:19 23-6188 [1] - 2:1 23-cv-6188 [1] - 1:4 25 [1] - 16:9 25th [1] - 110:9 260 [1] - 1:18 26th [1] - 110:9 28 [2] - 23:19, 24:22 28th [2] - 27:16, 28:1 29th [4] - 3:11, 31:24, 33:11, 42:7 2nd [2] - 41:5, 74:23	4 [19] - 31:3, 31:6, 31:7, 51:12, 53:18, 55:25, 80:3, 80:9, 80:11, 80:12, 80:14, 83:5, 97:13, 97:15, 97:16, 97:20, 98:4, 156:1 40 [5] - 119:5, 119:6, 119:14, 119:16, 140:8 41 [1] - 155:25 43 [72] - 2:18, 2:23, 3:19, 3:24, 3:25, 4:1, 4:3, 4:9, 4:17, 4:18, 6:3, 6:9, 7:9, 12:4, 12:9, 19:9, 20:5, 21:22, 22:8, 25:16, 26:24, 30:2, 30:6, 30:17, 30:18, 33:19, 35:2, 35:3, 35:8, 54:24, 55:1, 56:4, 56:17, 59:10, 60:4, 62:6, 62:7, 62:19, 63:14, 64:5, 64:6, 64:13, 64:15, 64:20, 72:19, 72:21, 77:16, 78:6, 93:2, 94:2, 94:19, 94:25, 97:4, 98:22, 99:15, 99:19, 101:10, 106:5, 106:6, 107:14, 108:12, 108:14, 108:17, 126:9, 128:6,	712-6106 [1] - 1:21 712-6122 [1] - 1:21 72 [2] - 154:10, 156:3 75 [1] - 156:4 78 [1] - 154:12
			8
			8 [4] - 97:12, 97:13, 97:15, 98:5 80 [4] - 108:14, 119:2, 119:4, 156:1 80ish [1] - 118:23 819 [4] - 34:1, 34:17, 35:3, 35:9 83 [1] - 154:14 85 [1] - 154:16 86 [1] - 154:18 89 [2] - 25:13, 106:6
			9
			9 [3] - 97:23, 98:2, 98:12 90 [1] - 108:14 90020 [1] - 24:9 95 [2] - 154:20, 154:22 9931 [1] - 76:9
			A
			a.m [1] - 97:12 able [14] - 10:9, 21:4, 38:11, 49:13, 51:23, 53:8, 53:16, 66:15, 89:3, 92:1, 98:16, 99:17, 144:7, 149:18 absolutely [3] - 3:1, 94:12, 141:15 abstract [2] - 72:9, 77:6 accept [1] - 77:9

<p>Acceptance [1] - 47:24</p> <p>access [31] - 47:11, 61:4, 61:15, 61:18, 62:12, 62:14, 62:17, 62:21, 64:23, 64:25, 68:11, 68:13, 68:15, 70:14, 72:25, 73:3, 76:6, 87:11, 87:15, 87:16, 87:20, 87:24, 88:14, 89:1, 89:3, 89:8, 89:11, 91:19, 114:8, 115:14, 115:18</p> <p>accident [1] - 22:17</p> <p>accidents [2] - 22:19, 24:5</p> <p>according [1] - 82:23</p> <p>account [5] - 6:13, 52:11, 77:6, 87:13, 89:13</p> <p>accounting [9] - 6:14, 6:19, 47:24, 48:14, 48:19, 49:1, 50:1, 50:15, 123:25</p> <p>accounts [1] - 47:7</p> <p>accurate [4] - 28:10, 36:24, 113:10, 123:9</p> <p>acronym [1] - 43:10</p> <p>acting [2] - 142:25, 145:24</p> <p>action [1] - 145:6</p> <p>active [2] - 96:16, 111:4</p> <p>actual [1] - 92:2</p> <p>add [3] - 90:2, 90:4, 115:15</p> <p>added [4] - 87:13, 89:24, 90:1, 115:17</p> <p>addition [4] - 52:12, 52:14, 55:17, 55:18</p> <p>additional [1] - 151:7</p> <p>address [5] - 2:15, 5:22, 33:6, 117:11, 132:8</p> <p>administer [5] - 85:13, 109:16, 122:11, 129:19, 137:15</p> <p>admissibility [1] - 53:3</p> <p>admitted [1] - 105:3</p> <p>adopted [1] - 112:9</p> <p>adversary [1] - 47:19</p> <p>adverse [1] - 18:8</p> <p>advertisement [1] - 112:19</p> <p>advice [1] - 148:17</p> <p>affect [2] - 4:21, 13:4</p> <p>afield [1] - 54:6</p> <p>afternoon [25] - 2:5, 2:7, 2:8, 2:9, 2:11, 2:12, 15:2, 15:12, 85:20, 85:21, 86:8, 95:12, 95:13, 109:23, 110:3, 110:4, 122:18, 122:22, 122:23, 130:1, 130:2, 130:6, 137:24, 137:25, 138:4</p> <p>ago [2] - 94:10, 149:14</p> <p>agree [3] - 5:17, 13:25, 47:20</p> <p>ahead [20] - 21:9, 30:12, 33:8, 39:11, 39:17, 43:8, 46:6, 64:17, 66:9, 78:10, 81:21, 92:10, 95:14,</p>	<p>109:24, 127:12, 128:1, 129:18, 141:17, 142:12, 143:21</p> <p>air [1] - 120:24</p> <p>al [4] - 1:3, 1:7, 2:2</p> <p>Alicia [14] - 48:14, 48:18, 48:22, 48:24, 49:1, 49:5, 49:10, 49:17, 49:19, 50:8, 50:23, 132:2, 132:11, 132:22</p> <p>allowed [1] - 8:22</p> <p>almost [2] - 57:4, 57:12</p> <p>alternative [1] - 2:22</p> <p>amount [2] - 119:12, 119:13</p> <p>ample [1] - 56:13</p> <p>answer [10] - 8:8, 27:11, 32:25, 64:17, 81:24, 106:12, 136:16, 145:15, 148:10, 150:25</p> <p>answered [3] - 39:15, 39:16, 64:16</p> <p>answering [1] - 106:25</p> <p>answers [1] - 33:3</p> <p>Anthony [35] - 12:18, 15:10, 52:12, 52:13, 55:17, 82:4, 86:11, 86:19, 99:9, 103:20, 110:13, 110:15, 112:3, 112:20, 122:16, 132:19, 133:25, 134:10, 134:15, 136:24, 138:14, 138:18, 141:22, 141:23, 142:3, 142:14, 142:18, 143:9, 143:11, 145:7, 148:4, 149:4, 149:22</p> <p>ANTHONY [5] - 1:7, 15:6, 15:10, 122:17, 154:6</p> <p>Anthony's [2] - 133:22, 143:16</p> <p>anticipate [1] - 8:19</p> <p>anticipated [1] - 9:19</p> <p>apart [2] - 46:24, 118:14</p> <p>apologies [1] - 29:19</p> <p>apologize [1] - 130:17</p> <p>appear [1] - 3:25</p> <p>appearances [1] - 2:3</p> <p>APPEARANCES [1] - 1:12</p> <p>appeared [1] - 145:14</p> <p>appendix [1] - 4:2</p> <p>applications [1] - 12:22</p> <p>appreciate [1] - 153:18</p> <p>approach [2] - 25:8, 78:21</p> <p>appropriate [1] - 143:5</p> <p>April [13] - 23:18, 24:22, 27:15, 28:1, 31:24, 33:11, 42:7, 42:13, 96:4, 96:7, 98:11, 103:18</p> <p>arbitration [1] - 26:21</p> <p>argue [2] - 5:13, 13:10</p> <p>argument [2] - 67:4, 67:11</p> <p>arrive [1] - 77:7</p>	<p>ascertain [4] - 34:23, 55:23, 108:20, 135:7</p> <p>ascertaining [1] - 108:7</p> <p>assessing [2] - 5:6, 9:6</p> <p>assessment [1] - 44:16</p> <p>assist [3] - 54:10, 130:10, 133:25</p> <p>assisted [1] - 90:10</p> <p>assisting [1] - 133:4</p> <p>assume [1] - 54:15</p> <p>attachment [1] - 106:4</p> <p>attachments [1] - 131:7</p> <p>attend [1] - 140:20</p> <p>attention [1] - 21:23</p> <p>attorney [6] - 14:5, 77:5, 106:3, 145:4, 145:24, 146:5</p> <p>attorney-client [1] - 145:4</p> <p>auction [1] - 39:25</p> <p>audit [2] - 90:25, 91:3</p> <p>auditors [3] - 90:22, 91:8, 91:12</p> <p>audits [8] - 10:7, 90:7, 90:11, 90:23, 91:22, 91:25, 92:7, 92:12</p> <p>August [25] - 69:14, 69:18, 73:2, 76:5, 79:25, 80:15, 80:16, 81:25, 82:6, 83:18, 98:11, 101:11, 103:11, 106:11, 106:19, 106:23, 120:17, 135:13, 135:14, 135:22, 135:23, 135:25, 136:10</p> <p>authenticate [2] - 23:1, 77:13</p> <p>authenticity [5] - 21:3, 23:24, 52:22, 53:3, 66:7</p> <p>authority [1] - 148:8</p> <p>auto [1] - 70:7</p> <p>Auto [3] - 25:13, 28:17, 105:12</p> <p>automatically [1] - 112:18</p> <p>available [3] - 20:25, 40:5, 75:16</p> <p>Avenue [1] - 1:15</p> <p>aware [4] - 123:4, 135:10, 140:17, 148:25</p>	<p>82:19</p> <p>basis [2] - 139:9, 144:13</p> <p>became [4] - 16:3, 86:10, 103:17, 111:19</p> <p>become [2] - 16:8, 40:20</p> <p>BEFORE [1] - 1:10</p> <p>beginning [3] - 25:18, 103:11, 120:16</p> <p>behalf [1] - 151:13</p> <p>behind [1] - 120:12</p> <p>belonged [1] - 136:7</p> <p>beneficial [1] - 13:1</p> <p>best [2] - 26:25, 117:25</p> <p>better [3] - 23:23, 25:17, 34:20</p> <p>between [10] - 47:23, 96:9, 96:10, 96:11, 97:11, 106:19, 118:22, 119:7, 123:5, 138:18</p> <p>beyond [5] - 6:18, 6:20, 59:6, 86:4, 119:22</p> <p>billed [1] - 32:4</p> <p>binder [3] - 12:10, 12:11, 12:13</p> <p>bit [8] - 5:20, 5:21, 54:5, 72:6, 112:11, 112:12, 112:15</p> <p>blades [2] - 139:23, 139:25</p> <p>Blagrove [5] - 82:4, 82:16, 82:20, 82:21, 82:23</p> <p>Blankenship [6] - 95:9, 95:10, 95:12, 95:19, 102:15, 106:2</p> <p>BLANKENSHIP [2] - 95:15, 154:20</p> <p>blue [3] - 41:19, 42:2, 42:5</p> <p>board [4] - 100:7, 100:9, 100:10, 113:15</p> <p>body [1] - 70:7</p> <p>book [1] - 112:13</p> <p>bottom [8] - 32:1, 32:21, 37:16, 45:8, 52:11, 55:17, 66:13, 116:17</p> <p>Boulevard [1] - 55:20</p> <p>box [2] - 110:23</p> <p>boy [1] - 75:10</p> <p>brakes [1] - 115:7</p> <p>branding [1] - 123:21</p> <p>breach [1] - 146:14</p> <p>BRIAN [1] - 1:17</p> <p>Brian [3] - 2:12, 150:4</p> <p>brief [1] - 146:12</p> <p>briefing [1] - 3:20</p> <p>bring [3] - 8:6, 9:25, 38:11</p> <p>bringing [1] - 113:1</p> <p>Broadway [1] - 1:18</p> <p>brought [7] - 38:9, 78:12, 83:5, 86:22, 124:20, 124:22, 124:25</p> <p>Bruce [8] - 32:2, 41:18,</p>
B			
<p>B-L-A-N-K-E-N-S-H-I-P [1] - 95:20</p> <p>back-dooring [1] - 10:23</p> <p>background [6] - 10:9, 10:16, 11:4, 17:10, 17:18, 17:19</p> <p>bad [1] - 7:17</p> <p>based [12] - 2:24, 23:2, 28:5, 44:16, 44:22, 50:12, 73:17, 74:4, 74:14, 76:3, 79:24,</p>			

<p>48:14, 48:18, 50:23, 90:12, 90:16, 91:8</p> <p>bullet [1] - 45:9</p> <p>bunch [2] - 3:1, 103:13</p> <p>burden [1] - 4:14</p> <p>business [9] - 22:14, 22:15, 50:19, 50:24, 81:18, 81:20, 133:1, 133:2, 133:3</p> <p>butt [1] - 146:25</p> <p>butter [1] - 102:8</p> <p>buy [1] - 39:25</p> <p>buyer [1] - 82:12</p> <p>buying [1] - 39:14</p> <p>BY [125] - 15:15, 16:7, 19:8, 21:18, 22:5, 23:8, 23:17, 24:1, 24:21, 25:1, 26:17, 27:12, 27:22, 28:9, 31:22, 32:20, 33:9, 34:10, 35:21, 36:4, 36:10, 37:5, 37:15, 38:4, 38:14, 39:12, 39:18, 40:14, 41:2, 41:17, 43:9, 45:4, 46:17, 47:22, 48:3, 48:7, 48:12, 50:22, 51:3, 52:2, 52:6, 53:6, 56:24, 61:3, 62:10, 63:13, 63:23, 66:10, 67:13, 69:4, 71:2, 72:24, 73:12, 74:2, 74:9, 74:13, 74:17, 75:21, 76:14, 78:15, 79:1, 79:22, 80:13, 81:22, 83:4, 83:17, 83:22, 86:7, 87:19, 89:23, 92:11, 93:24, 94:6, 94:17, 94:23, 95:24, 99:24, 102:7, 102:21, 103:2, 106:1, 107:8, 107:13, 108:4, 108:10, 110:2, 113:23, 116:4, 116:16, 117:2, 118:19, 119:3, 120:6, 122:21, 124:10, 125:18, 125:24, 126:7, 127:4, 127:13, 128:3, 130:5, 132:1, 136:22, 138:3, 139:19, 141:18, 142:2, 143:24, 144:12, 148:3, 148:20, 149:9, 154:8, 154:10, 154:12, 154:14, 154:18, 154:22, 155:1, 155:3, 155:7, 155:9, 155:13, 155:17</p>	<p>112:16, 112:17, 113:3, 113:4, 114:10, 114:13, 115:4, 115:5, 115:6, 117:25, 134:23, 134:24</p> <p>care [11] - 5:9, 6:7, 6:8, 6:9, 7:14, 7:15, 9:8, 9:22, 17:12, 50:2, 153:21</p> <p>CARFAX [38] - 4:11, 20:20, 21:20, 22:12, 22:14, 23:11, 24:3, 25:12, 25:14, 25:15, 25:19, 25:23, 26:2, 27:8, 27:13, 27:17, 27:25, 28:10, 35:17, 35:24, 36:5, 36:12, 36:14, 36:15, 36:22, 36:24, 37:7, 37:11, 38:21, 38:22, 38:25, 39:4, 39:13, 40:2, 40:4, 80:25, 81:6, 111:10</p> <p>CARFAXes [1] - 22:13</p> <p>CarGurus [1] - 111:11</p> <p>carries [1] - 112:13</p> <p>carry [1] - 112:13</p> <p>cars [41] - 10:7, 19:14, 32:3, 53:23, 86:22, 100:1, 100:8, 111:2, 112:21, 112:23, 113:5, 113:8, 117:16, 118:1, 118:7, 118:12, 118:21, 118:23, 119:2, 119:4, 119:12, 119:13, 121:7, 125:4, 125:7, 125:12, 126:9, 126:16, 126:21, 127:15, 134:11, 134:12, 134:13, 134:14, 134:15, 134:17, 134:21, 140:8, 140:10, 140:15</p> <p>case [24] - 2:1, 4:5, 5:16, 7:6, 7:17, 9:9, 17:22, 56:9, 56:14, 56:15, 59:13, 59:20, 71:6, 93:22, 106:10, 120:13, 121:2, 139:12, 142:24, 146:2, 146:6, 146:10, 146:11, 146:15</p> <p>cases [4] - 112:14, 114:3, 114:14, 115:3</p> <p>cash [3] - 4:11, 6:4, 6:7</p> <p>CAT [1] - 1:25</p> <p>categories [1] - 13:7</p> <p>Central [2] - 1:6, 1:21</p> <p>certain [5] - 32:22, 32:24, 86:23, 99:5, 113:25</p> <p>certified [1] - 72:13</p> <p>CFO [1] - 50:4</p> <p>challenge [1] - 10:3</p> <p>change [3] - 75:5, 88:12, 111:17</p> <p>changed [6] - 34:3, 34:8, 35:6, 75:3, 87:14, 88:11</p> <p>check [3] - 24:5, 49:6, 112:5</p> <p>checked [1] - 86:23</p> <p>Chevrolet [1] - 42:2</p> <p>Chevy [3] - 35:23, 38:22,</p>	<p>48:8</p> <p>chief [2] - 17:22, 59:20</p> <p>circle [1] - 56:23</p> <p>circumstances [1] - 5:19</p> <p>civil [1] - 2:1</p> <p>clarification [1] - 25:10</p> <p>clarify [2] - 25:19, 63:20</p> <p>Class [1] - 72:10</p> <p>clear [5] - 5:11, 12:2, 54:7, 77:19, 127:6</p> <p>clearly [1] - 78:5</p> <p>CLERK [10] - 2:1, 15:5, 15:8, 85:16, 95:17, 109:19, 122:14, 129:22, 137:17, 137:20</p> <p>client [4] - 7:25, 9:4, 23:1, 145:4</p> <p>client's [2] - 9:2, 39:8</p> <p>clients [2] - 113:7, 120:23</p> <p>close [1] - 63:7</p> <p>closed [2] - 98:6, 98:7</p> <p>closely [1] - 123:24</p> <p>Coast [9] - 122:24, 123:2, 123:5, 123:13, 123:15, 123:19, 123:22, 123:25, 124:11</p> <p>codefendant [1] - 146:3</p> <p>colleague [1] - 30:11</p> <p>collection [1] - 131:9</p> <p>coming [3] - 113:8, 113:15, 140:12</p> <p>commenced [1] - 145:7</p> <p>communication [1] - 120:11</p> <p>communications [3] - 148:22, 149:1, 149:4</p> <p>compare [1] - 135:21</p> <p>comparing [1] - 67:17</p> <p>comparison [1] - 27:19</p> <p>compensated [1] - 7:18</p> <p>compile [1] - 67:19</p> <p>completely [1] - 133:17</p> <p>complex [1] - 112:12</p> <p>computer [2] - 52:1, 54:3</p> <p>concern [1] - 3:3</p> <p>concerned [1] - 7:24</p> <p>concerning [3] - 66:15, 141:23, 142:15</p> <p>concerns [1] - 5:2</p> <p>conclude [1] - 28:5</p> <p>concluded [5] - 11:9, 18:15, 60:11, 147:3, 153:24</p> <p>conclusion [2] - 74:24, 144:14</p> <p>conclusions [1] - 152:21</p> <p>confer [5] - 30:10, 47:19, 66:21, 94:14, 136:20</p> <p>conference [1] - 103:13</p> <p>confirm [3] - 67:14, 107:9, 151:6</p>	<p>confuse [1] - 19:18</p> <p>conjunction [1] - 20:16</p> <p>connect [1] - 77:25</p> <p>Connecticut [5] - 49:22, 50:3, 138:12, 138:16, 138:21</p> <p>connection [5] - 25:7, 34:5, 34:9, 124:17, 126:13</p> <p>consider [1] - 3:19</p> <p>consistent [1] - 27:7</p> <p>consisting [1] - 48:14</p> <p>contact [1] - 120:12</p> <p>contain [1] - 114:25</p> <p>contained [3] - 87:3, 88:2, 92:14</p> <p>contains [1] - 26:1</p> <p>content [1] - 148:15</p> <p>contents [2] - 143:14, 144:2</p> <p>continue [2] - 21:8, 138:13</p> <p>continued [1] - 139:6</p> <p>Continued [10] - 4:25, 11:10, 16:13, 18:16, 58:12, 60:12, 84:10, 128:21, 144:23, 147:4</p> <p>contrary [1] - 132:16</p> <p>control [1] - 112:14</p> <p>controller [1] - 67:25</p> <p>conversation [2] - 120:16, 146:18</p> <p>conversations [10] - 108:6, 120:21, 142:9, 142:14, 142:18, 143:8, 143:14, 143:16, 144:1, 146:3</p> <p>copied [1] - 46:20</p> <p>copies [1] - 20:13</p> <p>copy [2] - 19:20, 72:13</p> <p>corporate [1] - 14:15</p> <p>Corporation [1] - 47:24</p> <p>correct [195] - 13:24, 14:9, 15:17, 16:1, 16:4, 19:10, 22:2, 22:12, 22:16, 22:19, 22:20, 22:22, 23:14, 23:16, 23:20, 24:4, 24:7, 24:12, 24:23, 26:12, 26:20, 26:24, 27:5, 27:8, 27:16, 28:1, 28:6, 31:8, 31:24, 32:8, 32:11, 33:1, 33:4, 35:25, 36:6, 36:13, 37:2, 37:8, 37:13, 37:17, 37:21, 38:6, 38:9, 38:16, 39:1, 39:14, 40:2, 41:4, 41:20, 41:25, 42:4, 42:9, 43:14, 43:17, 43:20, 45:6, 45:13, 45:16, 47:8, 47:25, 48:15, 48:19, 48:23, 49:1, 49:3, 49:8, 49:11, 50:3, 50:6, 50:9, 50:24, 51:20, 52:9, 52:16, 53:9, 53:12, 57:1, 57:5, 57:24, 58:2, 58:8, 61:5, 61:8, 61:16, 61:18, 61:24,</p>
<p>C</p>			
<p>calm [1] - 54:5</p> <p>campaigns [1] - 123:21</p> <p>cannot [3] - 13:5, 57:22, 114:5</p> <p>capable [1] - 66:18</p> <p>capacity [1] - 142:25</p> <p>Capital [1] - 130:7</p> <p>car [20] - 33:10, 58:6, 88:17, 89:24, 100:3, 111:3, 111:4,</p>			

<p>62:1, 62:4, 62:11, 62:16, 63:15, 63:18, 63:25, 64:3, 64:14, 64:21, 64:24, 65:2, 65:12, 65:15, 66:12, 66:16, 66:18, 67:15, 67:18, 68:11, 68:16, 69:6, 69:10, 69:16, 69:24, 70:4, 70:5, 70:8, 70:11, 71:11, 76:7, 76:18, 78:13, 78:18, 79:7, 79:10, 79:19, 79:25, 80:15, 80:18, 82:1, 82:2, 82:5, 82:17, 82:20, 86:10, 86:16, 86:25, 87:9, 87:25, 88:3, 90:8, 91:10, 91:16, 91:20, 92:2, 92:15, 93:13, 96:1, 96:14, 96:17, 98:2, 98:13, 98:16, 98:20, 100:16, 100:20, 100:24, 101:2, 101:7, 101:22, 103:19, 103:22, 103:24, 106:23, 107:6, 107:11, 108:12, 108:17, 113:3, 113:15, 113:16, 121:2, 122:25, 123:22, 123:25, 124:3, 124:13, 124:23, 125:1, 125:21, 129:14, 130:8, 130:9, 130:11, 130:20, 130:25, 132:3, 132:6, 132:10, 132:13, 132:17, 133:6, 133:7, 133:10, 134:1, 134:2, 134:7, 139:7</p> <p>correctly [2] - 112:24, 113:9</p> <p>correspondence [2] - 31:12, 40:15</p> <p>counsel [15] - 2:3, 66:22, 85:2, 86:3, 136:20, 142:4, 142:13, 142:15, 142:23, 143:12, 143:17, 143:19, 144:1, 146:4, 146:11</p> <p>count [1] - 126:23</p> <p>counted [1] - 149:7</p> <p>counter [1] - 55:4</p> <p>counting [1] - 108:3</p> <p>County [2] - 7:3, 96:17</p> <p>couple [8] - 17:5, 90:14, 120:21, 120:22, 133:21, 138:7, 138:9, 151:20</p> <p>course [26] - 22:11, 22:15, 24:2, 32:7, 32:10, 36:11, 37:6, 38:15, 39:8, 39:13, 48:21, 50:24, 52:8, 53:7, 66:14, 66:23, 81:18, 81:19, 84:7, 98:15, 98:24, 100:14, 100:22, 106:10, 108:5, 118:20</p> <p>COURT [488] - 1:1, 2:7, 2:11, 2:14, 2:20, 3:5, 3:7, 3:10, 4:22, 4:24, 5:4, 5:9, 5:21, 6:7, 6:15, 6:17, 6:20, 6:25, 7:10, 7:14, 8:4, 8:11, 8:24,</p>	<p>9:5, 9:11, 9:13, 9:22, 10:5, 10:11, 10:15, 10:17, 11:2, 11:6, 11:8, 12:2, 12:15, 12:19, 12:20, 13:5, 13:13, 13:19, 13:22, 13:25, 14:2, 14:10, 14:12, 14:15, 14:17, 14:20, 14:24, 15:1, 15:3, 15:12, 16:6, 16:11, 17:2, 17:8, 17:11, 17:19, 17:23, 18:4, 18:6, 18:9, 18:12, 19:2, 19:5, 19:7, 19:12, 19:18, 19:22, 19:25, 20:3, 20:6, 20:11, 20:13, 20:18, 21:2, 21:6, 21:9, 21:12, 21:14, 22:1, 22:4, 23:3, 23:6, 23:10, 23:12, 23:15, 23:22, 24:14, 24:19, 24:25, 25:4, 25:9, 25:22, 26:1, 26:4, 26:8, 26:13, 27:10, 27:19, 28:7, 28:13, 28:16, 28:20, 28:24, 29:4, 29:7, 29:10, 29:14, 29:16, 29:21, 29:24, 30:2, 30:5, 30:8, 30:12, 30:16, 30:23, 31:1, 31:4, 31:6, 31:10, 31:13, 31:15, 31:18, 32:15, 32:17, 33:5, 33:8, 33:18, 33:21, 33:24, 34:16, 34:20, 35:1, 35:12, 35:15, 35:17, 35:19, 36:2, 36:9, 36:19, 36:21, 37:4, 37:11, 37:14, 37:19, 38:3, 38:17, 38:21, 38:24, 39:6, 39:9, 39:16, 40:8, 40:17, 40:19, 40:22, 41:8, 41:13, 42:24, 43:4, 43:8, 43:24, 44:25, 45:2, 45:18, 45:21, 45:25, 46:3, 46:6, 46:8, 46:10, 46:12, 46:14, 47:16, 48:2, 48:9, 49:16, 50:11, 50:16, 51:2, 51:7, 51:13, 51:15, 51:22, 52:5, 52:18, 52:20, 53:2, 53:19, 53:24, 54:5, 54:15, 54:19, 55:4, 55:7, 55:13, 55:21, 55:24, 56:1, 56:9, 57:10, 58:4, 58:10, 59:2, 59:5, 59:13, 59:15, 60:3, 60:8, 60:10, 61:2, 62:7, 62:20, 62:25, 63:4, 63:8, 63:10, 63:20, 64:17, 65:18, 65:23, 66:6, 66:9, 66:23, 67:4, 67:7, 67:9, 68:21, 68:25, 71:1, 71:18, 71:22, 71:24, 72:1, 72:3, 72:6, 72:9, 72:14, 72:16, 72:18, 72:22, 73:9, 73:11, 73:19, 73:22, 73:25, 74:11, 74:20, 75:1, 75:5, 75:7, 75:10, 75:12, 75:14, 75:18, 76:13, 76:21, 76:24, 77:2, 77:10, 77:12, 77:15, 77:18, 77:22, 78:4,</p>	<p>78:8, 78:10, 78:21, 78:23, 79:17, 79:21, 80:4, 80:6, 80:8, 80:11, 80:19, 80:23, 81:3, 81:6, 81:10, 81:14, 81:17, 81:21, 83:1, 83:16, 83:25, 84:2, 84:7, 85:2, 85:4, 85:8, 85:11, 85:20, 85:22, 85:24, 86:1, 87:17, 89:6, 89:18, 89:22, 92:5, 92:8, 92:18, 92:23, 93:1, 93:4, 93:7, 93:10, 93:14, 93:20, 93:23, 94:2, 94:5, 94:13, 94:15, 94:21, 95:2, 95:5, 95:7, 95:10, 95:12, 95:14, 95:21, 96:23, 97:2, 97:8, 99:18, 99:21, 99:23, 102:5, 102:15, 102:19, 102:23, 103:1, 104:3, 104:8, 104:11, 104:13, 104:16, 104:23, 105:2, 105:8, 105:12, 105:17, 105:22, 105:25, 107:4, 107:12, 107:15, 107:17, 107:19, 107:22, 107:25, 108:3, 108:9, 109:3, 109:6, 109:9, 109:12, 109:15, 109:23, 113:22, 116:1, 116:11, 116:21, 117:1, 118:15, 118:18, 118:24, 119:18, 119:21, 119:25, 120:3, 120:15, 121:11, 121:13, 121:17, 121:20, 121:22, 121:24, 122:3, 122:5, 122:8, 122:10, 122:18, 123:11, 124:5, 124:7, 125:10, 125:17, 125:23, 126:3, 126:24, 127:3, 127:8, 127:10, 127:12, 127:16, 127:21, 127:23, 127:25, 128:10, 128:12, 128:18, 129:2, 129:7, 129:9, 129:12, 129:14, 129:16, 130:1, 130:3, 130:15, 130:19, 130:21, 130:24, 131:1, 131:4, 131:9, 131:13, 131:18, 131:21, 131:24, 133:18, 136:19, 137:4, 137:7, 137:9, 137:12, 137:14, 137:25, 139:9, 139:13, 139:15, 139:18, 140:5, 140:23, 141:1, 141:3, 141:13, 141:16, 142:1, 142:8, 142:11, 142:22, 143:1, 143:4, 143:15, 143:19, 143:21, 144:9, 144:11, 144:22, 145:2, 145:9, 145:13, 145:18, 145:22, 146:1, 146:7, 146:13, 146:16, 147:2, 148:2, 148:10,</p>	<p>148:15, 148:19, 149:8, 150:18, 150:23, 151:2, 151:5, 151:8, 151:11, 151:13, 151:20, 152:1, 152:8, 152:19, 153:5, 153:7, 153:9, 153:13, 153:17, 153:21</p> <p>court [11] - 3:16, 5:6, 5:18, 7:13, 12:1, 13:1, 19:1, 61:1, 118:13, 121:2, 148:1</p> <p>Court [1] - 1:20</p> <p>court's [1] - 5:2</p> <p>Courthouse [1] - 1:5</p> <p>courtroom [4] - 4:22, 14:5, 95:10, 103:13</p> <p>courts [1] - 145:6</p> <p>cover [1] - 146:25</p> <p>COVID [2] - 139:3, 139:4</p> <p>create [1] - 8:17</p> <p>created [2] - 39:7, 106:19</p> <p>credentials [1] - 89:9</p> <p>credibility [2] - 5:7, 59:8</p> <p>credible [1] - 54:18</p> <p>CROSS [6] - 72:23, 120:5, 128:2, 154:9, 155:2, 155:8</p> <p>cross [5] - 17:25, 59:8, 69:11, 78:12, 80:6</p> <p>CROSS-EXAMINATION [6] - 72:23, 120:5, 128:2, 154:9, 155:2, 155:8</p> <p>cross-examining [1] - 59:8</p> <p>cross-reference [1] - 69:11</p> <p>current [2] - 7:23, 74:1</p> <p>curtail [1] - 86:4</p> <p>customer [2] - 98:8, 140:13</p> <p>customers [4] - 22:12, 37:7, 113:1, 120:24</p> <p>cut [2] - 5:23, 46:3</p>
D			
<p>D-E-O [2] - 15:11, 122:17</p> <p>dark [2] - 41:19, 42:2</p> <p>data [3] - 65:24, 66:15, 71:4</p> <p>date [17] - 36:25, 55:24, 61:21, 72:25, 73:3, 73:6, 74:7, 74:21, 74:23, 76:4, 78:17, 80:15, 81:25, 82:2, 83:7, 114:20</p> <p>dated [1] - 23:18</p> <p>dates [2] - 74:15, 135:21</p> <p>daughter [1] - 152:14</p> <p>David [1] - 46:10</p> <p>day-to-day [2] - 38:5, 86:20</p> <p>Daylight [1] - 130:7</p> <p>days [5] - 10:21, 10:22, 97:11, 97:12</p> <p>DBA [1] - 8:3</p> <p>deal [1] - 16:8</p> <p>dealer [4] - 43:11, 43:13,</p>			

<p>81:18, 111:8 dealership [25] - 6:13, 10:7, 15:25, 39:14, 43:14, 51:19, 52:7, 65:2, 65:24, 81:15, 81:19, 90:13, 90:17, 90:22, 97:16, 98:5, 113:10, 113:11, 113:18, 113:20, 114:1, 134:4, 138:20, 138:22, 139:21 dealerships [6] - 22:11, 36:12, 49:24, 114:12, 130:11, 132:15 DealerTrack [4] - 111:7, 111:13, 111:17, 111:25 dealing [1] - 90:7 deals [4] - 132:9, 132:12, 133:5, 138:22 dealt [1] - 98:17 December [6] - 61:12, 61:13, 61:20, 110:18, 111:22, 132:5 decent [1] - 119:13 decided [4] - 7:2, 10:24, 12:8, 44:19 decision [3] - 3:21, 3:22, 4:2 Deck [1] - 7:7 Deck-Tec [1] - 7:7 declaration [2] - 26:20, 106:5 deep [1] - 120:21 Defendant [2] - 1:17, 129:11 defendant [3] - 12:17, 78:1, 146:2 defendants [3] - 2:13, 8:20, 120:13 Defendants [1] - 1:8 Defense [13] - 72:4, 72:8, 72:17, 73:13, 75:9, 75:18, 75:20, 75:23, 76:20, 78:16, 79:23, 156:3, 156:4 defense [1] - 14:7 defined [1] - 56:16 definitely [1] - 79:13 delegate [2] - 49:3, 49:4 delete [2] - 88:24, 89:16 deleted [1] - 89:14 demands [3] - 47:18, 47:19, 127:17 denied [2] - 3:23, 8:15 deny [2] - 57:7, 87:15 DEO [5] - 1:7, 15:6, 122:12, 154:6, 155:5 Deo [72] - 2:2, 2:13, 3:14, 8:20, 9:19, 12:18, 12:20, 14:8, 15:2, 15:10, 15:12, 15:16, 19:9, 21:16, 21:19, 28:20, 29:24, 31:23, 33:5, 36:5, 41:9, 41:18, 42:24, 50:13, 51:24, 52:12, 52:13, 55:17, 56:25, 61:4, 66:11,</p>	<p>67:14, 68:22, 72:25, 73:20, 75:1, 75:22, 78:23, 79:17, 83:5, 84:3, 86:11, 87:2, 89:16, 103:20, 106:5, 106:7, 106:25, 110:13, 110:15, 110:19, 113:15, 121:19, 121:20, 122:16, 122:18, 122:22, 126:24, 128:12, 130:10, 132:2, 133:25, 134:11, 134:15, 136:24, 136:25, 145:8, 145:10, 148:4, 148:17, 149:22 Deo's [2] - 14:13, 122:2 department [2] - 49:1, 50:15 Department [1] - 7:3 depote [1] - 127:18 deposit [1] - 4:12 deposition [4] - 17:2, 126:3, 126:4, 127:16 depth [1] - 112:11 describe [1] - 51:16 described [1] - 65:25 detail [1] - 32:22 details [1] - 46:20 determine [8] - 7:20, 10:25, 12:9, 35:2, 49:17, 54:11, 59:17, 114:13 determined [1] - 18:12 determining [6] - 4:7, 4:8, 4:9, 5:12, 114:4, 124:19 dial [1] - 77:6 died [1] - 152:14 different [14] - 9:7, 20:6, 31:9, 35:8, 41:23, 45:21, 45:22, 46:1, 70:14, 77:20, 92:8, 99:5, 115:13, 118:7 dire [1] - 145:22 DIRECT [14] - 15:14, 86:6, 95:23, 110:1, 122:20, 130:4, 138:2, 154:7, 154:17, 154:21, 154:25, 155:6, 155:12, 155:16 direct [3] - 21:23, 71:8, 99:7 direction [1] - 98:25 directly [1] - 51:5 director [1] - 123:24 disclosing [1] - 108:6 discover [1] - 121:4 discovery [3] - 9:13, 56:13, 144:3 discuss [2] - 148:14, 150:7 discussed [2] - 141:22, 149:15 discussing [2] - 41:24, 149:2 discussion [1] - 141:23 discussions [4] - 50:13, 138:17, 142:3, 149:13 dispersed [1] - 119:7 display [1] - 20:2</p>	<p>displaying [1] - 112:21 disposed [2] - 50:5, 144:4 dispute [2] - 37:21, 64:20 DISTRICT [2] - 1:1, 1:1 DMS [14] - 42:15, 42:16, 43:10, 43:16, 43:17, 43:19, 44:1, 46:24, 53:9, 65:14, 111:7, 111:13, 111:17, 112:17 DMV [3] - 72:9, 77:6, 83:10 doc [5] - 74:7, 75:2, 79:3, 79:12, 79:17 docket [1] - 105:6 Docket [2] - 12:5, 25:2 Docs [4] - 91:4, 91:6, 92:13, 112:1 document [56] - 20:25, 21:3, 23:1, 23:25, 24:11, 26:18, 36:19, 38:1, 40:5, 46:4, 47:18, 47:19, 51:17, 51:23, 53:4, 55:6, 67:5, 74:14, 74:25, 75:17, 75:24, 76:1, 76:3, 76:25, 78:17, 78:25, 79:3, 79:19, 79:24, 80:24, 81:8, 81:25, 82:10, 82:19, 87:11, 87:21, 87:24, 88:2, 88:10, 88:16, 89:3, 89:9, 89:11, 90:1, 90:2, 90:21, 91:9, 105:5, 106:9, 106:13, 127:17, 131:21, 131:22, 132:3, 141:4, 144:2 documents [16] - 4:12, 10:1, 21:19, 31:7, 40:10, 54:10, 54:23, 55:4, 131:8, 131:10, 144:17, 144:18, 149:23, 149:25, 150:3, 150:5 done [6] - 6:2, 17:24, 66:20, 68:12, 115:2, 118:13 dooring [1] - 10:23 Doreen [7] - 15:4, 85:13, 95:14, 109:16, 122:11, 129:18, 137:15 dots [1] - 77:25 double [1] - 63:22 doubled [1] - 128:1 doubt [1] - 146:21 down [16] - 8:1, 54:5, 84:3, 84:4, 95:8, 108:13, 108:14, 109:7, 109:8, 121:13, 121:16, 128:13, 128:15, 141:4, 151:3, 151:4 dozen [1] - 56:20 drive [4] - 101:20, 115:24, 134:13, 138:16 Drive [18] - 57:1, 57:5, 57:8, 57:15, 57:21, 58:8, 61:5, 61:8, 63:15, 63:24, 69:15, 103:24, 117:12, 124:12, 134:7, 136:1, 136:4, 136:12</p>	<p>drove [2] - 98:21, 101:23 dry [3] - 100:7, 100:9, 100:10 duly [7] - 15:7, 85:15, 95:16, 109:18, 122:13, 129:21, 137:19 during [10] - 81:18, 91:21, 93:25, 118:11, 118:20, 120:25, 140:2, 140:10, 142:19, 149:4 duties [23] - 24:2, 32:8, 32:11, 36:11, 37:6, 38:16, 39:8, 48:21, 49:3, 52:8, 53:7, 66:14, 86:15, 86:18, 90:7, 98:15, 98:24, 100:14, 100:22, 103:19, 118:20, 123:15, 124:11 duty [2] - 96:16, 146:15 Dwight [4] - 95:9, 95:19, 114:11, 134:22 DWIGHT [3] - 95:15, 95:19, 154:20</p>
E			
<p>early [4] - 9:14, 101:11, 110:17, 135:14 easier [2] - 20:4, 133:22 easiest [1] - 4:1 EASTERN [1] - 1:1 ECF [3] - 25:2, 29:21, 104:25 EcoBoost [1] - 19:10 edits [1] - 88:15 EFAZ [3] - 122:12, 122:16, 155:5 Efaz [4] - 14:8, 121:19, 121:20, 122:16 effort [1] - 135:7 efforts [3] - 141:19, 150:12, 150:15 eight [1] - 94:9 either [9] - 9:24, 13:22, 69:14, 79:18, 108:9, 110:17, 114:7, 121:24, 146:1 ELMO [2] - 20:2, 99:20 elsewhere [1] - 100:4 email [29] - 31:12, 31:23, 32:2, 32:7, 33:1, 33:5, 40:17, 40:22, 41:3, 41:9, 42:6, 42:7, 42:8, 42:14, 43:1, 45:5, 45:8, 45:22, 46:4, 46:11, 47:7, 47:23, 50:8, 131:5, 131:7, 132:2, 132:15, 132:25, 133:3 emails [5] - 32:10, 32:12, 50:23, 55:11, 133:1 EMANUEL [1] - 1:13 emanuel [1] - 2:5 employed [11] - 86:10, 86:11, 86:12, 94:24, 120:7,</p>			

<p>120:20, 122:2, 122:24, 123:2, 123:5, 123:13</p> <p>empty [1] - 7:24</p> <p>end [7] - 56:25, 103:11, 110:9, 110:17, 111:22, 135:13, 152:25</p> <p>ending [1] - 41:24</p> <p>ends [3] - 24:9, 34:14, 76:9</p> <p>enter [1] - 115:12</p> <p>entered [3] - 72:11, 115:8, 115:10</p> <p>enthusiast [1] - 117:25</p> <p>entire [1] - 141:4</p> <p>entries [2] - 52:15, 52:24</p> <p>entry [2] - 23:18, 105:6</p> <p>Entry [2] - 12:5, 25:3</p> <p>erase [3] - 100:7, 100:9, 100:10</p> <p>ESQ [3] - 1:13, 1:14, 1:17</p> <p>essence [1] - 113:9</p> <p>establish [14] - 10:11, 17:10, 21:2, 21:4, 30:24, 39:9, 40:11, 52:21, 67:9, 77:22, 78:3, 92:1, 93:17, 97:6</p> <p>established [6] - 41:12, 48:11, 50:18, 50:20, 53:2</p> <p>establishes [2] - 54:17, 56:18</p> <p>establishing [3] - 34:16, 52:25, 59:11</p> <p>estimate [1] - 140:1</p> <p>et [4] - 1:3, 1:7, 2:2</p> <p>Eugene [8] - 13:17, 13:19, 70:16, 70:17, 87:12, 90:11, 109:10, 109:21</p> <p>EUGENE [3] - 109:17, 109:21, 154:24</p> <p>evening [1] - 132:10</p> <p>evenings [2] - 98:4, 98:11</p> <p>event [32] - 57:1, 57:2, 57:15, 57:24, 58:1, 58:5, 61:22, 61:23, 100:19, 100:24, 101:14, 117:3, 117:6, 117:10, 117:15, 117:22, 118:3, 118:6, 118:10, 123:21, 124:12, 124:15, 124:17, 125:4, 125:20, 126:13, 126:17, 134:6, 134:10, 135:11, 135:15</p> <p>evidence [52] - 5:8, 9:3, 9:15, 20:1, 25:5, 26:11, 26:14, 27:18, 27:21, 28:8, 32:13, 32:17, 32:18, 32:19, 35:6, 36:3, 37:25, 41:7, 41:14, 41:16, 48:9, 50:11, 50:15, 50:17, 50:20, 52:21, 53:18, 54:20, 72:12, 72:16, 72:17, 75:18, 75:19, 75:20, 80:11, 80:12, 80:19, 81:4, 81:7, 105:3, 107:5, 130:22,</p>	<p>131:1, 131:24, 131:25, 155:23, 155:24, 155:25, 156:1, 156:2, 156:3, 156:4</p> <p>evidentiary [3] - 2:22, 108:5, 108:11</p> <p>EVIDENTIARY [1] - 1:9</p> <p>exact [6] - 34:14, 61:21, 80:7, 117:11, 119:11, 133:14</p> <p>exactly [3] - 26:3, 70:3, 90:15</p> <p>EXAMINATION [24] - 15:14, 72:23, 78:14, 83:3, 86:6, 95:23, 110:1, 120:5, 122:20, 128:2, 130:4, 138:2, 154:7, 154:9, 154:11, 154:13, 154:17, 154:21, 154:25, 155:2, 155:6, 155:8, 155:12, 155:16</p> <p>examining [1] - 59:8</p> <p>example [3] - 8:19, 53:12, 114:10</p> <p>examples [3] - 7:12, 86:20</p> <p>Excel [1] - 112:1</p> <p>exception [1] - 50:18</p> <p>exceptions [1] - 50:19</p> <p>exclude [3] - 12:22, 13:6, 13:9</p> <p>excluded [1] - 13:8</p> <p>excuse [2] - 90:11, 152:13</p> <p>exercise [1] - 131:20</p> <p>Exhibit [97] - 19:12, 19:13, 19:19, 19:22, 20:1, 21:11, 21:12, 21:15, 21:20, 21:21, 21:24, 23:11, 24:6, 24:25, 25:2, 25:4, 25:12, 25:13, 26:14, 26:15, 28:14, 28:16, 28:22, 28:25, 29:14, 29:17, 29:18, 29:24, 30:2, 31:23, 32:14, 32:17, 32:19, 33:21, 35:3, 35:4, 35:22, 41:7, 41:16, 43:1, 45:2, 53:18, 62:7, 63:4, 65:21, 65:23, 68:21, 72:4, 72:8, 72:16, 72:17, 73:9, 73:13, 74:6, 75:9, 75:18, 75:20, 75:23, 76:12, 76:13, 76:15, 76:20, 76:24, 78:5, 78:16, 78:23, 79:2, 79:23, 80:12, 92:24, 93:1, 102:15, 105:9, 105:10, 107:15, 107:16, 107:17, 116:2, 116:6, 116:13, 125:11, 126:5, 126:6, 126:9, 126:24, 131:25, 135:1, 139:18, 140:23, 155:23, 155:24, 155:25, 156:1, 156:2, 156:3, 156:4</p> <p>exhibit [38] - 3:8, 4:10, 12:10, 12:11, 19:15, 20:3,</p>	<p>20:15, 20:23, 25:11, 25:17, 25:23, 26:6, 29:4, 29:23, 31:9, 31:10, 31:11, 31:13, 35:11, 35:14, 37:10, 55:14, 65:25, 75:8, 76:21, 77:5, 80:4, 81:7, 102:17, 104:21, 105:13, 106:3, 126:25, 127:5, 127:7, 127:8, 130:19, 144:16</p> <p>exhibits [7] - 2:24, 3:1, 10:3, 10:19, 29:11, 30:20, 34:19</p> <p>exist [11] - 8:3, 33:12, 33:16, 34:12, 34:22, 34:24, 42:8, 42:13, 45:10, 45:16, 55:12</p> <p>existence [1] - 111:25</p> <p>existing [2] - 77:16, 153:2</p> <p>expecting [1] - 138:22</p> <p>expedite [1] - 83:11</p> <p>expedited [2] - 9:13, 153:14</p> <p>experience [2] - 83:9, 83:13</p> <p>explain [2] - 42:11, 45:25</p> <p>explaining [1] - 87:2</p> <p>explanation [1] - 93:21</p> <p>extension [1] - 145:15</p> <p>extent [3] - 66:3, 127:14, 145:11</p> <p>eyes [1] - 67:18</p>	<p>85:3, 85:6, 85:9, 86:5, 86:7, 87:19, 89:20, 89:23, 92:11, 92:22, 92:25, 93:11, 93:17, 93:21, 93:24, 94:6, 94:14, 94:17, 94:23, 95:3, 121:18, 122:21, 124:6, 124:10, 125:15, 125:18, 125:24, 126:7, 127:4, 127:6, 127:13, 127:20, 128:11, 137:13, 138:3, 139:19, 141:18, 142:2, 143:24, 144:12, 148:3, 148:20, 149:9, 150:17, 150:22, 154:18, 155:7, 155:17</p> <p>few [4] - 63:12, 66:21, 104:6, 107:3</p> <p>fiduciary [1] - 146:15</p> <p>field [1] - 139:22</p> <p>fifth [1] - 23:13</p> <p>figure [2] - 56:6, 128:17</p> <p>figured [2] - 9:3, 120:23</p> <p>figuring [1] - 110:21</p> <p>filed [2] - 2:25, 106:17</p> <p>files [1] - 132:20</p> <p>findings [2] - 151:24, 152:21</p> <p>fine [4] - 25:6, 61:11, 131:23, 152:18</p> <p>finished [1] - 98:4</p> <p>Firm [1] - 1:17</p> <p>firm [1] - 120:10</p> <p>first [15] - 15:19, 15:25, 24:11, 32:25, 40:19, 40:20, 55:16, 68:6, 72:4, 85:23, 116:9, 126:11, 131:11, 131:15, 138:11</p> <p>five [13] - 18:6, 18:13, 19:2, 23:9, 23:10, 25:24, 27:13, 84:6, 92:20, 128:17, 143:9, 143:10, 151:8</p> <p>five-minute [3] - 19:2, 84:6, 128:17</p> <p>flashy [1] - 117:25</p> <p>flip [1] - 97:11</p> <p>flip-flopped [1] - 97:11</p> <p>floor [3] - 68:2, 68:4, 68:6</p> <p>floored [1] - 45:9</p> <p>flopped [1] - 97:11</p> <p>flyer [1] - 124:18</p> <p>focus [1] - 93:15</p> <p>focused [3] - 5:11, 11:3, 131:11</p> <p>focusing [4] - 46:19, 79:23, 81:1, 135:1</p> <p>folder [1] - 144:15</p> <p>folks [1] - 152:4</p> <p>follow [5] - 26:5, 26:10, 83:1, 121:11, 128:10</p> <p>following [4] - 3:17, 33:1, 85:1, 129:1</p>
F			
<p>Facebook [2] - 123:17, 124:18</p> <p>fact [6] - 54:11, 92:23, 115:21, 115:22, 124:22, 132:8</p> <p>fair [8] - 70:21, 77:11, 97:15, 98:10, 98:22, 101:9, 119:6, 142:10</p> <p>fall [4] - 9:14, 13:7, 56:14, 59:21</p> <p>familiar [2] - 36:15, 126:12</p> <p>far [5] - 26:13, 54:6, 91:23, 104:8, 133:19</p> <p>Fax [1] - 1:21</p> <p>FCRR [1] - 1:20</p> <p>February [11] - 1:7, 39:5, 41:3, 41:5, 41:9, 42:6, 42:12, 44:10, 44:12, 55:11, 66:3</p> <p>fed [3] - 111:2, 111:8, 111:10</p> <p>Federal [1] - 1:21</p> <p>feeds [1] - 111:12</p> <p>Felsen [14] - 2:10, 2:11, 3:17, 12:11, 89:18, 92:18, 94:13, 122:19, 127:3, 128:10, 138:1, 141:3, 141:17, 148:2</p> <p>FELSEN [59] - 1:14, 2:9, 6:4, 10:6, 10:13, 14:7, 18:2, 18:5, 76:25, 77:3, 84:5,</p>			

<p>follows [7] - 15:7, 85:15, 95:16, 109:18, 122:13, 129:21, 137:19</p> <p>font [2] - 45:21, 45:22</p> <p>fonts [1] - 46:2</p> <p>Ford [4] - 19:10, 20:20, 27:2, 27:4</p> <p>foremost [1] - 138:11</p> <p>forewarned [1] - 11:6</p> <p>form [4] - 67:23, 116:10, 140:3, 149:21</p> <p>formally [2] - 145:16, 145:20</p> <p>format [5] - 53:21, 54:22, 68:23, 68:25</p> <p>former [1] - 116:22</p> <p>forth [4] - 12:5, 96:9, 134:17, 152:2</p> <p>forward [3] - 138:23, 145:16, 153:19</p> <p>foundation [15] - 21:4, 23:6, 23:24, 38:19, 38:24, 39:10, 41:12, 52:22, 52:25, 53:3, 66:5, 66:8, 67:10, 131:3, 131:5</p> <p>four [10] - 8:8, 25:15, 27:1, 37:10, 37:12, 37:16, 152:11, 152:17, 152:18, 152:20</p> <p>Friday [2] - 103:12, 152:20</p> <p>friend [4] - 133:23, 134:1, 134:10, 136:23</p> <p>front [10] - 21:19, 29:25, 45:19, 78:19, 78:24, 92:24, 107:17, 134:22, 135:1, 140:24</p> <p>full [4] - 5:19, 56:12, 96:12, 140:6</p> <p>fully [1] - 51:25</p> <p>functions [1] - 123:18</p>	<p>Google [32] - 46:21, 46:23, 47:1, 47:7, 47:8, 47:9, 57:19, 69:6, 70:2, 70:10, 87:3, 87:6, 87:13, 88:10, 88:15, 88:20, 89:4, 89:8, 89:9, 89:13, 89:24, 90:18, 90:21, 91:4, 91:6, 91:9, 92:13, 102:22, 103:3, 112:1, 115:24</p> <p>grand [17] - 56:25, 57:2, 57:23, 58:1, 58:5, 61:22, 100:18, 101:14, 117:3, 117:10, 117:24, 118:3, 124:12, 134:6, 135:11, 140:17, 140:20</p> <p>granted [3] - 3:22, 4:16, 8:15</p> <p>grass [1] - 139:23</p> <p>great [1] - 77:23</p> <p>Great [1] - 49:19</p> <p>ground [1] - 111:3</p> <p>Group [1] - 1:15</p> <p>guard [1] - 17:12</p> <p>guess [8] - 57:2, 65:13, 66:5, 68:10, 71:12, 112:4, 112:11, 153:11</p> <p>guesstimate [1] - 118:22</p> <p>guy [2] - 99:13</p> <p>guys [2] - 8:1, 8:11</p>	<p>56:10, 56:16, 93:15, 100:5, 108:6, 108:11, 108:16, 108:21, 127:18, 127:19, 141:20, 146:9, 151:23, 152:22</p> <p>hearsay [5] - 20:24, 24:13, 27:9, 50:17, 66:7</p> <p>held [2] - 103:13, 138:25</p> <p>help [8] - 2:23, 35:11, 35:14, 54:10, 112:22, 132:21, 132:24, 134:10</p> <p>helped [1] - 101:21</p> <p>helping [3] - 106:12, 133:23, 136:23</p> <p>Hicksville [1] - 1:18</p> <p>highlighted [2] - 41:19, 42:5</p> <p>Highway [5] - 61:14, 63:18, 64:3, 69:16, 104:1</p> <p>himself [1] - 71:14</p> <p>history [1] - 22:21</p> <p>hmm [3] - 97:17, 121:3, 135:3</p> <p>hold [11] - 9:11, 14:10, 15:3, 23:3, 25:22, 41:1, 62:20, 119:12, 119:13, 142:22, 143:15</p> <p>home [7] - 60:5, 60:7, 60:8, 64:7, 64:9, 139:3, 139:7</p> <p>honestly [2] - 6:1, 88:25</p> <p>Honor [106] - 2:9, 2:12, 4:21, 6:4, 11:7, 12:13, 12:24, 12:25, 13:17, 13:24, 14:7, 14:23, 18:2, 19:6, 20:12, 21:1, 22:3, 22:25, 23:14, 23:16, 24:18, 27:17, 29:3, 29:15, 30:1, 30:4, 30:7, 30:15, 31:5, 33:7, 33:20, 33:23, 34:2, 34:19, 37:13, 40:16, 41:6, 43:3, 45:1, 46:2, 50:12, 51:9, 51:18, 51:25, 52:24, 53:15, 54:4, 54:13, 55:3, 56:5, 62:23, 63:3, 63:6, 65:20, 66:25, 68:24, 71:21, 72:15, 73:24, 77:4, 81:2, 81:9, 81:20, 84:5, 85:6, 85:9, 85:21, 89:21, 92:22, 92:25, 93:17, 94:4, 95:4, 97:7, 99:22, 102:18, 104:5, 104:10, 104:15, 104:19, 118:17, 121:12, 121:18, 121:25, 128:11, 128:16, 129:4, 130:14, 130:25, 131:12, 131:20, 137:6, 137:24, 142:20, 144:20, 150:17, 150:22, 151:1, 151:12, 151:25, 152:7, 152:11, 152:12, 153:4, 153:6, 153:16</p> <p>HONORABLE [1] - 1:10</p>	<p>hope [1] - 30:25</p> <p>hour [1] - 33:4</p> <p>hours [3] - 96:19, 96:25, 97:10</p> <p>house [2] - 128:7, 139:11</p> <p>hundred [3] - 108:13, 111:22, 114:23</p> <p>Hunting [1] - 64:9</p> <p>hypothetical [1] - 83:24</p>
I			
			<p>ID [1] - 54:3</p> <p>idea [10] - 21:3, 35:7, 36:8, 51:14, 107:24, 112:20, 112:22, 117:24, 136:14, 146:20</p> <p>ideally [1] - 114:7</p> <p>Ideally [1] - 119:10</p> <p>identification [5] - 21:10, 35:20, 45:3, 65:21, 80:17</p> <p>identified [2] - 2:18, 6:10</p> <p>identify [5] - 8:16, 54:23, 65:9, 103:7, 116:22</p> <p>identity [1] - 126:13</p> <p>ill [1] - 139:4</p> <p>immediately [1] - 33:3</p> <p>impact [1] - 153:2</p> <p>impeach [2] - 54:19, 124:8</p> <p>impeachment [1] - 54:21</p> <p>important [3] - 6:12, 53:25, 146:21</p> <p>impossible [1] - 113:17</p> <p>impression [1] - 150:15</p> <p>in-depth [1] - 112:11</p> <p>INC [1] - 1:3</p> <p>Inc [7] - 2:2, 13:11, 73:1, 73:5, 82:13, 96:1, 96:8</p> <p>including [4] - 22:16, 80:25, 87:9, 106:6</p> <p>inconsistency [1] - 83:6</p> <p>incorporated [1] - 112:4</p> <p>incorrect [4] - 44:11, 123:9, 130:12, 132:18</p> <p>incorrectly [2] - 44:7, 44:9</p> <p>indication [2] - 74:3, 131:6</p> <p>individual [2] - 49:7, 87:16</p> <p>individuals [2] - 13:3, 99:10</p> <p>information [14] - 10:10, 22:21, 32:4, 53:8, 65:17, 67:23, 70:11, 88:2, 92:14, 106:7, 114:18, 114:24, 121:4, 149:19</p> <p>initial [1] - 109:22</p> <p>initiatives [1] - 123:21</p> <p>injuncted [3] - 3:14, 7:8</p> <p>injunction [10] - 3:12, 3:18, 4:6, 4:16, 5:24, 5:25, 10:24, 12:7, 152:24, 153:2</p> <p>inputted [1] - 71:4</p>
G			
<p>gate [1] - 17:12</p> <p>Gene [2] - 90:10</p> <p>general [10] - 15:16, 15:19, 56:7, 56:22, 64:21, 64:24, 65:1, 65:4, 65:6, 110:6</p> <p>generally [7] - 36:19, 36:20, 39:2, 48:17, 99:25, 117:7, 118:20</p> <p>generated [1] - 90:5</p> <p>generating [1] - 113:6</p> <p>given [2] - 107:22, 140:3</p> <p>glad [1] - 3:9</p> <p>glass [1] - 99:4</p> <p>gloves [1] - 145:5</p> <p>Gold [9] - 122:24, 123:2, 123:5, 123:13, 123:15, 123:19, 123:22, 123:25, 124:11</p>	<p>half [2] - 138:19, 152:16</p> <p>hand [6] - 15:5, 85:13, 109:16, 122:11, 129:18, 137:17</p> <p>handful [2] - 142:21, 143:8</p> <p>handle [1] - 132:20</p> <p>handled [2] - 50:2, 90:10</p> <p>hands [1] - 75:4</p> <p>handwriting [2] - 81:11, 81:14</p> <p>happy [1] - 135:15</p> <p>hard [2] - 116:25, 118:7</p> <p>Harry [2] - 137:13, 137:22</p> <p>HARRY [3] - 137:18, 137:23, 155:15</p> <p>Hartford [2] - 49:22, 138:21</p> <p>header [1] - 26:19</p> <p>hear [6] - 8:13, 10:15, 13:2, 67:4, 122:3, 122:5</p> <p>heard [6] - 100:18, 104:8, 124:8, 140:7, 140:18, 140:21</p> <p>HEARING [1] - 1:9</p> <p>hearing [40] - 2:17, 2:22, 3:3, 3:5, 4:4, 4:17, 4:19, 5:3, 5:24, 6:21, 7:19, 7:20, 8:12, 9:8, 9:9, 10:23, 10:25, 12:3, 12:8, 12:16, 22:9, 47:2, 47:16, 56:3,</p>		

<p>inside [2] - 86:13, 86:15 inspections [1] - 115:2 Instagram [1] - 124:18 instances [1] - 70:6 instead [3] - 20:10, 25:18, 112:8 interact [2] - 48:13, 48:22 interface [2] - 48:18, 51:4 interfere [1] - 152:5 interrupt [1] - 59:15 inventory [19] - 52:12, 52:14, 55:17, 55:18, 65:10, 67:22, 68:23, 76:7, 86:24, 86:25, 87:4, 90:13, 111:1, 112:5, 112:13, 115:16, 117:18, 117:22, 119:1 invite [1] - 58:1 involved [4] - 91:24, 106:12, 124:19, 132:14 irrelevant [1] - 133:17 irritated [1] - 59:7 Islip [2] - 1:6, 1:21 issue [10] - 3:2, 3:24, 6:1, 6:14, 6:19, 62:3, 63:22, 74:7, 146:11, 146:14 issued [23] - 3:12, 3:20, 56:16, 74:25, 75:2, 76:4, 78:18, 78:25, 79:3, 79:7, 79:10, 79:11, 79:12, 79:13, 79:17, 79:19, 79:24, 80:15, 81:25, 82:2, 82:6, 83:7, 152:25 issues [3] - 6:16, 50:1, 59:9 items [1] - 53:16 itself [1] - 152:7</p>	<p style="text-align: center;">K</p> <p>Kataev [38] - 2:5, 2:7, 3:17, 4:14, 12:11, 12:16, 19:7, 24:16, 25:10, 29:2, 29:10, 30:9, 30:24, 33:8, 33:19, 39:11, 40:9, 43:8, 46:6, 51:8, 63:11, 65:18, 95:21, 102:20, 104:17, 105:3, 108:1, 109:24, 116:1, 117:1, 118:15, 119:23, 130:3, 136:19, 137:5, 151:11, 152:23, 153:5 KATAEV [296] - 1:13, 2:5, 2:8, 4:20, 4:23, 5:2, 5:5, 5:17, 6:11, 6:18, 7:8, 7:12, 7:22, 8:7, 8:19, 9:19, 10:2, 10:16, 11:1, 11:3, 11:7, 12:13, 12:17, 12:24, 13:17, 13:21, 13:24, 14:16, 14:23, 15:2, 15:15, 16:7, 17:7, 17:9, 17:17, 18:7, 18:11, 18:14, 19:6, 19:8, 19:17, 20:2, 20:8, 20:12, 20:15, 20:20, 20:25, 21:5, 21:7, 21:11, 21:13, 21:18, 22:3, 22:5, 23:8, 23:11, 23:14, 23:16, 23:17, 24:1, 24:17, 24:21, 25:1, 25:6, 25:15, 25:21, 25:25, 26:3, 26:5, 26:12, 26:17, 27:12, 27:22, 28:9, 28:14, 28:19, 29:3, 29:6, 29:13, 29:15, 29:19, 30:10, 30:14, 30:20, 30:25, 31:3, 31:5, 31:9, 31:12, 31:14, 31:16, 31:21, 31:22, 32:13, 32:20, 33:9, 33:20, 33:23, 34:2, 34:7, 34:10, 34:19, 34:21, 35:10, 35:13, 35:16, 35:21, 36:4, 36:10, 36:20, 37:5, 37:13, 37:15, 37:25, 38:4, 38:14, 38:19, 38:22, 39:1, 39:12, 39:18, 40:13, 40:14, 40:16, 40:18, 40:21, 41:2, 41:6, 41:17, 43:9, 43:23, 44:24, 45:1, 45:4, 46:7, 46:9, 46:11, 46:17, 47:14, 47:22, 48:3, 48:7, 48:12, 50:12, 50:22, 51:3, 51:9, 51:11, 51:18, 52:2, 52:6, 52:24, 53:6, 53:15, 53:25, 54:13, 54:17, 55:3, 55:6, 55:9, 55:16, 55:22, 55:25, 56:5, 56:22, 56:24, 59:4, 59:11, 60:1, 60:5, 60:9, 61:3, 62:6, 62:9, 62:10, 63:12, 63:13, 63:23, 65:20, 66:10, 66:21, 67:13, 69:4, 71:2, 71:17, 71:20, 71:23, 71:25, 72:15, 74:8, 74:16, 74:19, 75:16,</p>	<p>78:9, 78:13, 78:15, 78:22, 79:1, 79:22, 80:2, 80:5, 80:7, 80:13, 81:1, 81:5, 81:9, 81:13, 81:15, 81:19, 81:22, 82:25, 83:15, 83:21, 83:24, 95:9, 95:11, 95:24, 97:5, 99:20, 99:24, 102:7, 102:21, 102:25, 103:2, 104:4, 104:10, 104:18, 104:21, 104:24, 105:6, 105:10, 105:18, 105:24, 106:1, 107:3, 107:6, 107:8, 107:13, 107:16, 108:2, 108:4, 108:10, 109:2, 109:10, 110:2, 113:23, 116:4, 116:16, 117:2, 118:16, 118:19, 119:3, 119:20, 119:24, 120:14, 121:12, 121:21, 121:23, 122:6, 128:16, 129:4, 129:10, 129:13, 130:5, 130:14, 130:17, 130:20, 130:23, 130:25, 131:2, 131:11, 131:17, 131:19, 132:1, 136:20, 136:22, 137:6, 139:16, 146:8, 146:19, 146:24, 147:1, 151:6, 151:12, 151:25, 152:6, 152:10, 152:17, 153:4, 153:6, 153:16, 154:8, 154:12, 154:22, 155:1, 155:13 keep [15] - 19:15, 25:11, 26:9, 41:19, 42:4, 42:7, 42:12, 42:22, 44:17, 44:19, 44:22, 112:23, 113:1, 113:7, 115:1 keeping [3] - 31:10, 31:19, 112:8 keeps [1] - 43:13 Kendra [5] - 13:18, 13:19, 14:4, 67:25, 68:8 kept [8] - 17:7, 50:24, 60:5, 61:7, 61:15, 70:7, 112:25, 113:7 Kernizant [3] - 13:18, 13:19, 14:4 key [3] - 110:23, 110:24 kid [1] - 145:4 kind [3] - 88:15, 117:25, 120:24 knowing [1] - 44:20 knowledge [16] - 26:25, 62:15, 62:22, 70:22, 71:3, 71:5, 71:10, 92:12, 104:9, 110:20, 112:7, 115:8, 116:7, 118:9, 140:16, 141:14 known [1] - 141:8 knows [3] - 9:24, 40:11,</p>	<p>125:12</p> <p style="text-align: center;">L</p> <p>L-A-U-R-I-E [1] - 129:25 L-O-W-E [1] - 109:22 Labuda [1] - 1:15 laid [1] - 131:6 Lake [1] - 1:16 Lane [1] - 64:9 last [24] - 3:11, 15:11, 48:4, 61:12, 72:25, 73:2, 73:3, 74:7, 74:25, 75:1, 76:3, 78:17, 78:25, 79:3, 79:12, 79:17, 85:23, 85:24, 103:9, 109:22, 110:10, 120:11, 129:25, 137:23 late [1] - 101:11 latest [1] - 98:7 Laurie [9] - 129:12, 129:14, 129:17, 129:24, 129:25, 130:1, 130:6, 132:2, 138:5 LAURIE [2] - 129:20, 155:11 law [1] - 120:10 Law [2] - 1:15, 1:17 lawyer [1] - 146:2 lawyers [1] - 19:3 lay [6] - 23:6, 23:23, 38:19, 38:24, 66:4, 131:2 lead [1] - 74:15 leading [3] - 74:8, 74:19, 141:19 leads [1] - 113:6 learn [1] - 121:4 least [3] - 101:16, 119:12, 144:15 leaving [3] - 117:19, 140:10, 149:15 led [1] - 103:13 ledger [6] - 56:7, 64:21, 64:24, 65:1, 65:4, 65:6 leeway [2] - 5:20, 5:22 left [10] - 3:23, 8:16, 14:21, 20:4, 76:18, 79:25, 86:9, 97:13, 97:25, 118:4 Legal [1] - 1:13 legal [3] - 148:5, 148:7, 148:17 less [3] - 83:12, 87:22, 104:4 letter [1] - 153:11 LEVINE [187] - 1:17, 2:12, 2:16, 2:21, 3:6, 3:9, 6:16, 6:23, 7:1, 7:9, 7:23, 8:5, 8:10, 9:1, 9:10, 9:12, 12:25, 13:10, 14:1, 14:9, 14:13, 14:25, 16:5, 16:10, 17:21, 19:21, 19:23, 20:4, 20:9, 20:22, 22:25, 23:5, 23:21, 24:13, 25:19, 26:7, 27:9, 27:17, 28:12, 29:20,</p>
<p style="text-align: center;">J</p> <p>JAMES [1] - 1:10 Jamie [1] - 2:9 JAMIE [1] - 1:14 January [5] - 3:22, 4:2, 111:22, 122:24, 123:5 Jelly [2] - 102:4, 102:11 jelly [1] - 102:5 JMW [1] - 1:4 Judge [6] - 3:11, 5:14, 46:19, 93:11, 140:25, 148:9 judge [1] - 17:7 JUDGE [1] - 1:10 July [21] - 27:14, 27:16, 28:1, 28:2, 37:17, 38:5, 39:24, 55:10, 55:25, 56:25, 57:14, 57:21, 101:11, 103:11, 110:9, 110:12, 117:3, 119:15, 134:7, 135:14 June [6] - 27:5, 74:7, 74:21, 74:23, 78:18, 79:3</p>			

<p>29:22, 32:16, 33:17, 34:6, 35:18, 36:1, 36:7, 36:18, 37:3, 37:18, 38:2, 38:13, 39:2, 39:7, 39:15, 40:7, 40:24, 41:11, 41:15, 43:21, 46:13, 46:16, 48:1, 48:6, 49:15, 50:10, 50:25, 51:14, 51:21, 52:17, 52:19, 53:22, 57:9, 58:3, 58:9, 59:14, 62:5, 64:16, 66:2, 66:7, 66:25, 67:5, 67:8, 67:12, 70:25, 72:2, 72:4, 72:8, 72:11, 72:20, 72:24, 73:8, 73:10, 73:12, 74:2, 74:9, 74:12, 74:13, 74:17, 75:8, 75:11, 75:13, 75:21, 76:14, 76:20, 76:22, 77:4, 77:11, 77:14, 77:17, 77:19, 78:1, 78:7, 80:10, 80:17, 80:22, 83:2, 83:4, 83:17, 83:22, 84:1, 89:5, 92:3, 92:6, 92:17, 94:20, 95:1, 95:6, 96:22, 96:24, 104:15, 105:14, 105:20, 109:4, 113:21, 116:10, 119:9, 119:17, 120:2, 120:6, 121:10, 121:25, 122:4, 123:10, 126:2, 127:22, 127:24, 128:3, 128:9, 131:5, 131:23, 133:16, 137:8, 139:8, 139:10, 139:14, 140:3, 141:25, 142:6, 142:10, 142:20, 142:23, 143:3, 143:7, 144:20, 145:3, 145:10, 145:14, 145:20, 145:23, 146:5, 146:14, 146:20, 146:25, 150:20, 151:1, 151:16, 152:12, 152:18, 153:8, 153:11, 153:20, 153:23, 154:10, 154:14, 155:3, 155:9</p> <p>Levine [27] - 1:17, 2:13, 2:14, 3:21, 12:10, 13:25, 14:24, 19:20, 32:15, 40:23, 41:8, 56:20, 59:24, 66:1, 72:1, 95:5, 104:14, 109:3, 119:25, 127:21, 137:7, 143:18, 150:4, 150:19, 150:24, 151:14, 153:7</p> <p>Levine's [2] - 25:11, 144:16</p> <p>license [3] - 8:1, 8:2</p> <p>lie [1] - 5:7</p> <p>lien [1] - 76:2</p> <p>lies [1] - 124:2</p> <p>life [1] - 137:2</p> <p>light [1] - 60:3</p> <p>lightning [1] - 152:8</p> <p>likely [1] - 50:7</p> <p>limitation [1] - 12:15</p>	<p>limited [9] - 5:3, 5:25, 9:16, 12:3, 17:24, 78:11, 86:3, 146:9</p> <p>line [4] - 35:22, 105:21, 105:22, 115:5</p> <p>LinkedIn [4] - 123:4, 123:8, 124:2</p> <p>list [78] - 3:8, 4:10, 4:12, 7:9, 8:17, 9:17, 10:19, 14:12, 19:16, 19:22, 20:16, 21:7, 21:13, 21:16, 21:22, 22:10, 25:13, 25:18, 25:24, 26:10, 26:19, 28:16, 29:20, 29:21, 31:11, 31:13, 31:20, 35:4, 41:18, 42:14, 42:15, 42:19, 43:4, 65:12, 65:14, 65:25, 67:18, 67:19, 67:20, 67:22, 67:24, 67:25, 68:4, 68:5, 68:6, 68:15, 68:18, 68:23, 69:1, 69:23, 72:19, 76:13, 93:2, 94:1, 94:4, 94:25, 99:18, 100:2, 105:7, 105:8, 105:9, 105:12, 106:5, 114:20, 116:13, 116:23, 126:9, 141:7, 143:11, 144:16, 144:18, 148:22, 148:25, 149:2, 149:3, 149:6</p> <p>listed [12] - 4:11, 22:6, 23:19, 24:12, 48:5, 56:7, 65:4, 103:4, 103:6, 103:7, 127:1, 141:6</p> <p>listen [1] - 145:23</p> <p>listening [1] - 7:15</p> <p>listing [1] - 46:24</p> <p>lists [3] - 3:25, 69:8, 133:3</p> <p>literally [1] - 7:6</p> <p>live [2] - 64:11, 128:4</p> <p>LLC [1] - 105:13</p> <p>locate [3] - 2:23, 141:20, 150:13</p> <p>located [15] - 24:22, 57:4, 62:1, 62:15, 63:14, 63:17, 63:24, 64:2, 64:7, 64:13, 69:14, 87:4, 88:18, 91:16, 108:20</p> <p>locating [2] - 94:19, 94:25</p> <p>location [109] - 2:17, 3:24, 4:9, 5:12, 5:22, 6:1, 6:12, 7:20, 8:12, 8:25, 9:2, 9:5, 9:7, 9:9, 10:1, 10:11, 10:20, 10:25, 11:4, 12:9, 17:4, 17:20, 17:25, 18:1, 24:15, 26:23, 30:5, 30:18, 30:22, 30:24, 33:4, 33:6, 34:23, 35:2, 40:9, 40:11, 47:2, 47:16, 48:22, 48:24, 51:4, 51:8, 54:7, 54:11, 54:16, 54:18, 54:20, 55:7, 55:9, 55:15, 55:19, 55:23,</p>	<p>56:1, 56:10, 56:17, 59:7, 59:9, 59:17, 72:3, 73:22, 73:24, 77:15, 77:21, 77:22, 78:3, 78:5, 86:3, 89:19, 90:18, 91:9, 92:19, 93:4, 94:1, 94:7, 95:22, 97:1, 97:2, 97:3, 102:16, 104:9, 106:13, 114:4, 114:16, 114:17, 116:3, 116:21, 116:22, 117:13, 118:12, 119:4, 119:12, 119:19, 119:20, 121:8, 124:5, 124:20, 124:23, 124:25, 125:10, 126:5, 126:25, 135:4, 137:4, 140:18, 141:6, 146:17, 153:1</p> <p>locations [9] - 50:14, 60:4, 69:19, 69:20, 70:3, 71:4, 112:5, 114:6, 118:24</p> <p>locked [1] - 101:4</p> <p>locks [1] - 17:12</p> <p>lodged [1] - 67:7</p> <p>log [4] - 43:13, 54:3, 68:10, 89:8</p> <p>logged [1] - 55:10</p> <p>logging [1] - 89:4</p> <p>Lombardi [1] - 1:20</p> <p>look [22] - 4:1, 21:24, 24:6, 27:13, 32:1, 36:23, 40:1, 40:15, 46:18, 48:4, 53:14, 75:14, 82:3, 108:22, 108:24, 118:16, 126:11, 127:5, 127:8, 132:23, 135:21, 153:18</p> <p>looked [13] - 4:10, 7:25, 42:20, 43:4, 44:16, 69:1, 86:22, 103:9, 127:7, 133:1, 140:8</p> <p>looking [20] - 19:13, 26:18, 31:23, 32:21, 33:10, 35:7, 35:22, 44:18, 45:13, 46:18, 54:9, 78:16, 80:14, 100:2, 102:15, 104:6, 116:24, 118:1, 126:24, 148:23</p> <p>looks [2] - 31:6, 36:22</p> <p>lose [1] - 112:18</p> <p>Lowe [12] - 13:17, 13:19, 14:3, 70:17, 70:21, 71:3, 71:6, 109:10, 109:13, 109:21, 109:23, 110:3</p> <p>LOWE [3] - 70:17, 109:17, 154:24</p> <p>Lowery [2] - 129:11, 129:13</p> <p>lunch [1] - 140:14</p> <p>lunchtime [1] - 97:24</p>	<p>MAGISTRATE [1] - 1:10</p> <p>main [1] - 138:17</p> <p>maintain [3] - 87:7, 138:12, 139:6</p> <p>maintained [12] - 46:23, 47:7, 47:10, 57:19, 86:25, 87:1, 87:3, 112:7, 133:9, 138:5, 138:8, 139:10</p> <p>managed [2] - 110:20, 123:21</p> <p>management [7] - 43:11, 43:13, 51:19, 52:7, 111:1, 111:8, 113:10</p> <p>manager [9] - 15:16, 15:19, 49:6, 95:25, 103:18, 110:6, 115:15, 133:1, 133:4</p> <p>manually [1] - 115:10</p> <p>manufacture [1] - 141:10</p> <p>MARC [3] - 85:14, 85:18, 154:16</p> <p>Marc [11] - 70:16, 70:19, 85:7, 85:9, 85:18, 99:9, 114:11, 115:12, 115:17, 120:16, 134:22</p> <p>March [5] - 45:6, 45:15, 55:11, 90:13, 152:19</p> <p>Marcus [1] - 1:15</p> <p>margin [1] - 20:5</p> <p>mark [9] - 19:12, 19:17, 29:1, 29:8, 29:11, 29:18, 44:24, 75:8, 80:2</p> <p>marked [18] - 21:10, 25:12, 25:21, 26:13, 26:18, 29:1, 55:14, 73:7, 75:22, 104:24, 105:3, 105:7, 105:15, 106:7, 114:16, 116:6, 126:8, 130:22</p> <p>marketing [3] - 111:10, 111:12, 123:18</p> <p>marking [2] - 20:11, 31:3</p> <p>markings [1] - 19:24</p> <p>match [1] - 76:11</p> <p>matches [2] - 35:23, 45:12</p> <p>material [1] - 144:15</p> <p>matter [2] - 17:11, 153:24</p> <p>matters [1] - 120:22</p> <p>McCoy [3] - 13:18, 13:21, 14:3</p> <p>ME [1] - 85:22</p> <p>mean [13] - 33:15, 34:11, 36:19, 44:3, 63:21, 65:8, 75:1, 79:6, 87:1, 124:16, 140:12, 142:24, 143:18</p> <p>meaning [2] - 86:17, 144:9</p> <p>means [8] - 43:20, 55:18, 65:2, 75:3, 79:8, 79:11, 79:13, 143:9</p> <p>meant [2] - 34:22, 150:5</p> <p>mechanic [3] - 99:4, 100:17, 115:3</p>
M			
<p>M-E-R-C-K-L-I-N-G [1] - 85:19</p> <p>MA [1] - 85:22</p>			

<p>mechanical [1] - 1:24</p> <p>mechanics [1] - 98:18</p> <p>media [1] - 123:17</p> <p>meet [1] - 47:19</p> <p>memorandum [1] - 2:16</p> <p>memory [2] - 13:4, 99:19</p> <p>menial [1] - 86:15</p> <p>mentioned [1] - 43:10</p> <p>Mercedes [2] - 72:10, 78:17</p> <p>Merchant [1] - 3:11</p> <p>Merchant's [1] - 5:14</p> <p>Merckling [14] - 70:19, 70:21, 71:9, 71:10, 71:13, 85:7, 85:10, 85:12, 85:18, 85:20, 86:8, 93:1, 93:25, 94:18</p> <p>MERCKLING [3] - 70:19, 85:14, 154:16</p> <p>merits [9] - 4:7, 6:22, 7:20, 9:23, 10:18, 10:22, 17:16, 56:12, 56:15</p> <p>MICHAEL [3] - 129:20, 129:25, 155:11</p> <p>Michael [21] - 57:1, 57:5, 57:8, 57:15, 57:21, 58:8, 61:5, 61:8, 63:15, 63:24, 69:15, 103:24, 117:12, 119:4, 124:12, 129:11, 129:24, 134:7, 136:1, 136:3, 136:11</p> <p>middle [3] - 23:18, 41:22, 109:21</p> <p>midnight [1] - 97:20</p> <p>might [8] - 13:3, 20:4, 97:6, 115:15, 116:8, 146:5, 148:12</p> <p>mike [2] - 46:8, 72:6</p> <p>mileage [1] - 22:16</p> <p>Milman [1] - 1:15</p> <p>minute [5] - 19:2, 84:6, 94:14, 128:17, 150:17</p> <p>minutes [6] - 66:21, 71:17, 92:21, 107:3, 129:6, 151:8</p> <p>missing [8] - 2:18, 6:5, 7:9, 19:9, 80:21, 108:18, 126:10, 135:16</p> <p>mistake [1] - 44:8</p> <p>model [1] - 115:1</p> <p>modification [4] - 4:6, 5:25, 10:23, 12:6</p> <p>modify [4] - 3:18, 4:15, 12:7, 152:24</p> <p>moment [1] - 150:20</p> <p>monetary [3] - 6:16, 6:17, 6:18</p> <p>money [2] - 59:19</p> <p>month [6] - 61:11, 110:7, 110:8, 111:20, 133:12, 133:13</p> <p>months [3] - 56:14, 94:10,</p>	<p>133:22</p> <p>morning [2] - 97:23</p> <p>mornings [4] - 97:21, 97:22, 98:1, 98:12</p> <p>most [10] - 7:25, 50:7, 101:9, 101:10, 113:5, 115:12, 115:16, 115:17, 119:14, 144:3</p> <p>motion [11] - 3:20, 3:23, 4:14, 4:15, 6:15, 8:6, 12:7, 47:21, 152:23, 153:12</p> <p>Motor [3] - 8:3, 25:14, 47:23</p> <p>Motors [41] - 2:2, 8:1, 13:11, 15:17, 15:21, 23:20, 24:3, 28:17, 32:8, 32:11, 37:17, 49:19, 55:19, 64:23, 73:1, 73:4, 74:18, 76:7, 76:17, 77:20, 82:5, 82:13, 82:17, 95:25, 96:8, 110:5, 122:24, 123:2, 123:5, 123:14, 123:16, 123:19, 123:22, 123:25, 124:11, 132:10, 133:4, 133:5, 133:9, 133:25, 134:3</p> <p>MOTORS [1] - 1:3</p> <p>Motors' [1] - 67:3</p> <p>move [14] - 17:5, 54:12, 56:20, 56:22, 59:24, 100:3, 117:23, 132:21, 134:11, 134:12, 134:13, 138:12, 138:23, 146:16</p> <p>moved [8] - 3:18, 48:9, 80:19, 100:2, 114:21, 121:1, 121:7, 132:21</p> <p>moving [5] - 30:15, 81:3, 131:18, 134:15, 140:15</p> <p>MR [539] - 2:5, 2:8, 2:9, 2:12, 2:16, 2:21, 3:6, 3:9, 4:20, 4:23, 5:2, 5:5, 5:17, 6:4, 6:11, 6:16, 6:18, 6:23, 7:1, 7:8, 7:9, 7:12, 7:22, 7:23, 8:5, 8:7, 8:10, 8:19, 9:1, 9:10, 9:12, 9:19, 10:2, 10:6, 10:13, 10:16, 11:1, 11:3, 11:7, 12:13, 12:17, 12:24, 12:25, 13:10, 13:17, 13:21, 13:24, 14:1, 14:7, 14:9, 14:13, 14:16, 14:23, 14:25, 15:2, 15:15, 16:5, 16:7, 16:10, 17:7, 17:9, 17:17, 17:21, 18:2, 18:5, 18:7, 18:11, 18:14, 19:6, 19:8, 19:17, 19:21, 19:23, 20:2, 20:4, 20:8, 20:9, 20:12, 20:15, 20:20, 20:22, 20:25, 21:5, 21:7, 21:11, 21:13, 21:18, 22:3, 22:5, 22:25, 23:5, 23:8, 23:11, 23:14, 23:16, 23:17, 23:21, 24:1, 24:13, 24:17, 24:21,</p>	<p>25:1, 25:6, 25:15, 25:19, 25:21, 25:25, 26:3, 26:5, 26:7, 26:12, 26:17, 27:9, 27:12, 27:17, 27:22, 28:9, 28:12, 28:14, 28:19, 29:3, 29:6, 29:13, 29:15, 29:19, 29:20, 29:22, 30:10, 30:14, 30:20, 30:25, 31:3, 31:5, 31:9, 31:12, 31:14, 31:16, 31:21, 31:22, 32:13, 32:16, 32:20, 33:9, 33:17, 33:20, 33:23, 34:2, 34:6, 34:7, 34:10, 34:19, 34:21, 35:10, 35:13, 35:16, 35:18, 35:21, 36:1, 36:4, 36:7, 36:10, 36:18, 36:20, 37:3, 37:5, 37:13, 37:15, 37:18, 37:25, 38:2, 38:4, 38:13, 38:14, 38:19, 38:22, 39:1, 39:2, 39:7, 39:12, 39:15, 39:18, 40:7, 40:13, 40:14, 40:16, 40:18, 40:21, 40:24, 41:2, 41:6, 41:11, 41:15, 41:17, 43:9, 43:21, 43:23, 44:24, 45:1, 45:4, 46:7, 46:9, 46:11, 46:13, 46:16, 46:17, 47:14, 47:22, 48:1, 48:3, 48:6, 48:7, 48:12, 49:15, 50:10, 50:12, 50:22, 50:25, 51:3, 51:9, 51:11, 51:14, 51:18, 51:21, 52:2, 52:6, 52:17, 52:19, 52:24, 53:6, 53:15, 53:22, 53:25, 54:13, 54:17, 55:3, 55:6, 55:9, 55:16, 55:22, 55:25, 56:5, 56:22, 56:24, 57:9, 58:3, 58:9, 59:4, 59:11, 59:14, 60:1, 60:5, 60:9, 61:3, 62:5, 62:6, 62:9, 62:10, 63:12, 63:13, 63:23, 64:16, 65:20, 66:2, 66:7, 66:10, 66:21, 66:25, 67:5, 67:8, 67:12, 67:13, 69:4, 70:25, 71:2, 71:17, 71:20, 71:23, 71:25, 72:2, 72:4, 72:8, 72:11, 72:15, 72:20, 72:24, 73:8, 73:10, 73:12, 74:2, 74:8, 74:9, 74:12, 74:13, 74:16, 74:17, 74:19, 75:8, 75:11, 75:13, 75:16, 75:21, 76:14, 76:20, 76:22, 76:25, 77:3, 77:4, 77:11, 77:14, 77:17, 77:19, 78:1, 78:7, 78:9, 78:13, 78:15, 78:22, 79:1, 79:22, 80:2, 80:5, 80:7, 80:10, 80:13, 80:17, 80:22, 81:1, 81:5, 81:9, 81:13, 81:15, 81:19, 81:22, 82:25, 83:2, 83:4, 83:15, 83:17, 83:21, 83:22, 83:24, 84:1, 84:5, 85:3, 85:6,</p>	<p>85:9, 86:5, 86:7, 87:19, 89:5, 89:20, 89:23, 92:3, 92:6, 92:11, 92:17, 92:22, 92:25, 93:11, 93:17, 93:21, 93:24, 94:6, 94:14, 94:17, 94:20, 94:23, 95:1, 95:3, 95:6, 95:9, 95:11, 95:24, 96:22, 96:24, 97:5, 99:20, 99:24, 102:7, 102:21, 102:25, 103:2, 104:4, 104:10, 104:15, 104:18, 104:21, 104:24, 105:6, 105:10, 105:14, 105:18, 105:20, 105:24, 106:1, 107:3, 107:6, 107:8, 107:13, 107:16, 108:2, 108:4, 108:10, 109:2, 109:4, 109:10, 110:2, 113:21, 113:23, 116:4, 116:10, 116:16, 117:2, 118:16, 118:19, 119:3, 119:9, 119:17, 119:20, 119:24, 120:2, 120:6, 120:14, 121:10, 121:12, 121:18, 121:21, 121:23, 121:25, 122:4, 122:6, 122:21, 123:10, 124:6, 124:10, 125:15, 125:18, 125:24, 126:2, 126:7, 127:4, 127:6, 127:13, 127:20, 127:22, 127:24, 128:3, 128:9, 128:11, 128:16, 129:4, 129:10, 129:13, 130:5, 130:14, 130:17, 130:20, 130:23, 130:25, 131:2, 131:5, 131:11, 131:17, 131:19, 131:23, 132:1, 133:16, 136:20, 136:22, 137:6, 137:8, 137:13, 138:3, 139:8, 139:10, 139:14, 139:16, 139:19, 140:3, 141:18, 141:25, 142:2, 142:6, 142:10, 142:20, 142:23, 143:3, 143:7, 143:24, 144:12, 144:20, 145:3, 145:10, 145:14, 145:20, 145:23, 146:5, 146:8, 146:14, 146:19, 146:20, 146:24, 146:25, 147:1, 148:3, 148:20, 149:9, 150:17, 150:20, 150:22, 151:1, 151:6, 151:12, 151:16, 151:25, 152:6, 152:10, 152:12, 152:17, 152:18, 153:4, 153:6, 153:8, 153:11, 153:16, 153:20, 153:23, 154:8, 154:10, 154:12, 154:14, 154:18, 154:22, 155:1, 155:3, 155:7, 155:9,</p>
--	--	--	--

155:13, 155:17 multiple [5] - 31:7, 80:24, 87:8, 87:13, 88:13 Mustang [4] - 19:10, 20:21, 27:2, 27:4	Nissan [1] - 47:23 NMAC [4] - 47:23, 50:8, 50:23, 51:4 nobody [4] - 4:18, 7:2, 56:4, 69:1 noncorporate [1] - 14:21 none [5] - 3:15, 35:8, 61:22, 63:17, 64:13 nonparties [1] - 14:20 nonparty [3] - 13:15, 13:16, 14:8 noon [2] - 98:2, 98:12 normally [2] - 118:22, 119:5 North [1] - 1:18 Northern [1] - 55:19 Northshore [24] - 69:15, 86:9, 96:11, 96:20, 100:12, 100:13, 100:16, 100:23, 101:2, 101:11, 103:14, 103:20, 103:23, 114:11, 117:13, 117:18, 117:20, 118:3, 118:5, 118:10, 119:8, 119:13, 133:4, 134:16 note [1] - 35:18 notes [2] - 26:22, 118:16 nothing [16] - 3:1, 10:20, 12:6, 30:14, 59:7, 71:20, 71:24, 71:25, 82:25, 109:2, 116:20, 119:24, 120:21, 121:12, 137:6, 150:22 notifies [1] - 50:8 November [8] - 15:17, 15:25, 61:12, 69:13, 69:17, 96:3, 110:17, 133:15 Novicky [4] - 32:2, 32:22, 41:9, 90:12 number [41] - 7:6, 20:5, 20:10, 21:25, 22:1, 24:6, 24:7, 24:9, 24:11, 25:15, 25:24, 33:21, 33:23, 33:24, 34:3, 34:7, 34:8, 34:13, 34:14, 35:22, 35:23, 35:24, 36:23, 41:23, 45:12, 48:5, 50:19, 57:18, 72:21, 72:22, 76:9, 76:11, 76:16, 81:16, 90:3, 103:4, 103:6, 105:2, 119:11 numbered [2] - 21:22, 37:11 numbering [3] - 25:11, 26:9, 31:11 numbers [16] - 19:15, 20:7, 20:8, 25:17, 26:6, 31:19, 32:23, 32:24, 35:5, 35:8, 44:16, 44:18, 44:22, 63:7, 90:5	oath [5] - 85:13, 109:16, 122:11, 129:19, 137:16 object [8] - 20:22, 38:2, 38:13, 46:13, 76:23, 77:1, 77:2, 121:25 objection [73] - 16:5, 16:10, 20:3, 23:21, 24:13, 27:9, 28:12, 32:15, 32:16, 33:17, 35:18, 36:1, 36:7, 36:18, 37:3, 37:18, 38:17, 39:15, 40:7, 40:23, 41:8, 43:21, 48:1, 48:6, 49:15, 50:10, 50:16, 50:25, 51:13, 51:21, 52:17, 53:19, 57:9, 58:3, 58:9, 62:5, 64:16, 65:25, 66:6, 67:1, 67:7, 70:25, 72:14, 72:15, 74:8, 74:16, 75:15, 80:9, 83:15, 83:21, 89:5, 92:3, 92:5, 92:17, 94:20, 95:1, 96:22, 96:23, 113:21, 116:10, 119:9, 119:17, 120:14, 123:10, 126:2, 131:4, 131:22, 131:23, 133:16, 139:8, 140:3, 141:25, 142:6 objections [1] - 80:20 observe [3] - 71:3, 134:15, 136:3 observed [1] - 134:3 obtain [3] - 65:14, 68:7, 68:9 obtained [2] - 37:6, 83:10 occasions [1] - 90:16 occurred [1] - 113:14 October [2] - 110:10, 121:6 OF [2] - 1:1, 1:9 offer [9] - 25:7, 28:14, 32:13, 37:25, 41:6, 50:15, 51:12, 53:18, 65:21 offered [10] - 16:9, 26:10, 26:11, 27:15, 27:20, 27:25, 29:15, 37:17, 38:8, 46:14 offering [4] - 34:4, 34:9, 76:21, 131:1 offhand [1] - 87:12 office [19] - 90:5, 100:11, 100:12, 132:9, 132:11, 133:9, 138:5, 138:9, 138:12, 138:15, 138:24, 138:25, 139:2, 139:3, 139:5, 139:6, 139:11, 139:17, 152:15 officer [1] - 96:17 Official [1] - 1:20 officially [2] - 103:17, 123:13 offline [1] - 8:12 often [1] - 88:5 old [1] - 152:14 one [59] - 2:14, 6:11, 6:23, 7:1, 7:4, 7:8, 7:9, 19:9, 22:8, 24:12, 29:22, 30:5,	32:2, 32:21, 33:25, 35:3, 39:19, 40:19, 40:20, 44:12, 49:24, 51:9, 51:11, 53:12, 55:6, 69:8, 72:18, 90:16, 93:4, 94:11, 94:14, 98:17, 101:6, 101:16, 101:19, 102:4, 103:7, 103:8, 104:10, 104:18, 104:21, 107:20, 114:8, 114:13, 116:9, 120:16, 121:24, 125:15, 127:22, 127:23, 131:21, 131:22, 139:24, 142:11, 143:4, 150:17, 152:14 one-page [2] - 131:21, 131:22 ones [1] - 43:5 online [1] - 112:21 open [12] - 3:23, 6:15, 8:8, 12:1, 19:1, 61:1, 87:7, 100:12, 104:2, 115:18, 115:25, 148:1 opened [1] - 97:24 opening [19] - 56:25, 57:2, 57:23, 57:25, 58:1, 58:5, 59:13, 61:22, 100:18, 101:14, 117:3, 117:10, 117:24, 118:3, 124:12, 134:6, 135:11, 140:17, 140:20 operate [1] - 65:12 operates [1] - 130:11 operating [1] - 22:11 operation [2] - 130:10, 132:15 operations [3] - 38:6, 95:25, 103:17 opportunity [2] - 56:13, 151:23 opposed [1] - 54:20 oral [1] - 67:4 order [20] - 2:17, 3:3, 3:12, 3:13, 3:16, 3:17, 3:18, 5:11, 5:14, 6:10, 8:9, 8:16, 12:5, 54:7, 54:8, 83:13, 113:1, 121:2, 151:21, 152:25 ordered [5] - 2:17, 8:13, 54:23, 77:6, 83:18 ordinary [3] - 22:15, 37:6, 50:24 organization [3] - 133:2, 134:14, 137:1 original [1] - 150:24 otherwise [2] - 10:21, 63:21 outdoor [1] - 61:15 outline [1] - 104:7 outside [10] - 14:4, 14:5, 14:18, 77:21, 83:15, 83:24, 109:11, 120:14, 121:20,
N	O		
name [17] - 15:9, 15:11, 22:24, 85:17, 85:23, 85:24, 95:18, 109:20, 109:22, 122:15, 129:23, 129:24, 129:25, 137:21, 137:22, 137:23 names [3] - 102:2, 102:3, 102:13 narrow [2] - 4:5, 56:16 Nassau [2] - 7:3, 96:17 natural [1] - 13:13 necessarily [6] - 48:20, 49:12, 65:3, 65:7, 79:6, 142:24 necessary [1] - 5:18 Neck [1] - 49:20 need [8] - 17:9, 17:19, 29:18, 67:11, 97:5, 138:12, 151:6 needed [9] - 86:19, 86:23, 88:11, 99:4, 99:12, 115:5, 120:22, 150:3, 150:4 needs [3] - 115:6, 115:7, 134:23 negative [1] - 63:22 never [20] - 7:5, 49:19, 52:4, 53:14, 61:24, 66:17, 66:20, 68:12, 68:17, 68:20, 68:25, 69:3, 86:12, 95:1, 101:1, 101:8, 122:2, 140:22, 141:8, 150:2 new [9] - 28:2, 28:4, 67:1, 79:13, 79:18, 80:4, 130:19, 137:1 NEW [1] - 1:1 New [8] - 1:6, 1:16, 1:18, 1:21, 77:6, 80:14, 138:13, 138:24 news [1] - 140:21 next [30] - 4:25, 11:10, 16:13, 17:4, 17:5, 18:16, 24:6, 30:15, 32:21, 42:4, 56:13, 58:12, 60:12, 64:6, 75:8, 84:2, 84:10, 85:4, 85:8, 95:7, 109:9, 121:17, 128:17, 128:21, 137:9, 137:12, 144:23, 147:4, 151:5, 152:15 nicer [1] - 118:1 nickname [2] - 102:6, 152:11 night [1] - 153:22 nights [1] - 97:11 ninth [1] - 27:1	o'clock [1] - 98:9		

<p>139:5 overall [1] - 34:4 overruled [1] - 64:18 Overruled [16] - 27:10, 33:18, 36:21, 37:19, 41:13, 43:24, 49:16, 51:2, 57:10, 58:4, 74:20, 89:6, 120:15, 123:11, 133:18, 140:5 own [2] - 19:24, 117:18 owned [1] - 28:17 owner [7] - 22:24, 28:2, 79:18, 82:8, 82:12, 130:7 ownership [7] - 4:7, 4:13, 15:23, 16:9, 17:11, 22:21, 31:4</p>	<p>Paul [3] - 1:20, 151:22, 152:8 pause [16] - 14:11, 14:19, 29:9, 30:13, 51:10, 66:24, 71:19, 94:16, 104:12, 104:20, 107:7, 122:9, 129:8, 136:21, 150:21, 151:9 payment [1] - 28:15 PD [3] - 96:17, 97:9, 97:10 peanut [1] - 102:8 penultimate [1] - 45:8 people [11] - 56:21, 70:14, 70:15, 87:8, 87:13, 87:20, 88:14, 101:21, 101:24, 102:11, 115:14 per [1] - 112:16 percent [3] - 16:9, 111:22, 114:23 percentage [1] - 15:23 perform [3] - 86:18, 90:23, 123:15 performed [4] - 86:15, 86:21, 96:19, 123:18 performing [8] - 24:2, 32:11, 52:8, 53:7, 98:15, 100:14, 100:22, 103:19 period [7] - 69:18, 133:12, 133:24, 138:25, 140:2, 140:10, 142:19 permission [3] - 25:8, 58:7, 148:14 person [1] - 13:13 personally [3] - 49:2, 70:12, 113:19 perspective [1] - 118:25 pertains [1] - 75:13 Ph [1] - 1:21 physical [13] - 43:20, 44:2, 44:4, 44:6, 65:11, 67:15, 67:17, 67:20, 67:22, 69:9, 90:13, 91:13, 119:4 physically [13] - 43:2, 70:23, 83:14, 91:3, 96:7, 103:21, 110:22, 114:2, 114:5, 114:14, 117:19, 119:5, 121:5 picked [1] - 118:12 pictures [5] - 125:4, 125:6, 125:19, 125:25, 127:14 place [3] - 105:11, 111:6, 111:13 placed [1] - 116:5 places [1] - 99:6 Plaintiff [35] - 19:19, 19:22, 20:1, 21:11, 21:12, 21:15, 21:20, 21:21, 21:24, 23:11, 24:6, 24:25, 25:2, 25:4, 26:14, 26:15, 28:16, 28:22, 28:25, 32:14, 32:19, 35:22, 41:7, 41:16, 45:2, 76:12,</p>	<p>80:12, 92:24, 126:9, 131:25, 155:23, 155:24, 155:25, 156:1, 156:2 plaintiff [1] - 25:20 plaintiff's [1] - 2:22 plaintiffs [13] - 2:6, 2:10, 2:25, 12:17, 85:6, 85:9, 95:9, 109:10, 120:18, 121:18, 129:11, 137:13, 151:12 Plaintiffs [2] - 1:5, 1:13 plan [4] - 7:10, 68:2, 68:4, 68:6 planning [1] - 138:11 Plaza [1] - 1:21 pocketed [1] - 59:19 point [12] - 6:11, 24:17, 41:1, 41:11, 44:18, 45:9, 86:9, 87:15, 87:16, 94:4, 112:18, 133:10 pointed [1] - 83:6 pointing [1] - 79:2 points [2] - 69:13, 146:8 police [1] - 96:16 Police [1] - 7:3 porter [1] - 134:24 porters [4] - 102:1, 102:2, 102:12, 102:13 position [2] - 67:2, 150:1 possess [1] - 83:14 possession [13] - 7:4, 42:24, 43:20, 44:2, 44:4, 44:6, 67:3, 73:15, 125:19, 126:1, 144:4, 144:18, 149:23 possible [3] - 90:20, 112:21, 125:25 possibly [1] - 68:14 post [2] - 123:17, 151:23 post-hearing [1] - 151:23 posted [2] - 52:11, 124:18 practice [2] - 83:19, 138:13 precise [5] - 12:3, 22:23, 54:7, 54:11, 54:24 precluding [1] - 5:15 preliminary [7] - 3:12, 3:18, 4:6, 4:15, 5:24, 5:25, 152:24 premises [1] - 61:4 prepare [2] - 108:7, 108:19 prepared [1] - 124:15 preparing [1] - 108:5 present [31] - 12:14, 35:10, 35:13, 46:7, 46:9, 49:19, 65:2, 65:5, 67:15, 96:7, 97:22, 98:1, 98:5, 100:20, 103:21, 113:11, 113:18, 113:20, 113:25, 117:3, 117:5, 118:21, 119:6, 119:15, 130:13, 134:3, 134:4, 134:6, 135:11,</p>	<p>136:11, 143:17 preserve [2] - 145:25, 146:24 pressuring [1] - 151:15 pretty [2] - 87:12, 111:1 prevent [1] - 149:1 previous [2] - 105:13, 112:4 previously [4] - 104:22, 112:9, 116:5, 126:8 price [2] - 43:7, 99:13 pricing [1] - 112:14 print [6] - 53:8, 53:10, 53:16, 66:15, 68:1 printed [5] - 37:1, 66:17, 67:25, 68:17, 68:20 printout [6] - 51:17, 51:19, 52:19, 53:12, 66:11, 77:8 privilege [3] - 143:6, 145:4, 146:12 privileged [6] - 141:25, 142:1, 142:9, 148:11, 148:22, 149:1 proceed [14] - 12:16, 15:1, 15:13, 19:7, 26:16, 31:2, 61:2, 72:22, 86:2, 95:21, 97:8, 129:9, 138:1, 148:2 proceeding [2] - 7:10, 148:7 proceedings [17] - 14:11, 14:19, 29:9, 30:13, 51:10, 66:24, 71:19, 94:16, 104:12, 104:20, 107:7, 122:9, 129:8, 136:21, 148:5, 150:21, 151:9 Proceedings [1] - 1:24 process [1] - 81:16 produce [1] - 127:15 produced [1] - 1:25 production [1] - 47:15 professional [1] - 142:25 professionalism [1] - 153:18 proof [1] - 31:4 proposed [3] - 2:24, 151:23, 152:21 protected [1] - 143:6 provide [5] - 10:9, 21:14, 86:20, 144:13, 144:17 provided [4] - 50:13, 69:1, 87:2, 144:15 provides [1] - 22:14 providing [2] - 52:8, 148:17 publicly [3] - 20:25, 40:4, 75:16 pull [3] - 24:3, 36:12, 114:14 pulled [4] - 36:5, 36:25, 39:13, 42:15 pulling [1] - 105:17 purchase [3] - 39:21, 138:19, 138:20 purchased [4] - 38:15, 39:20, 39:23, 40:1 purely [1] - 59:16</p>
P			
<p>P.C [1] - 1:17 p.m [4] - 1:8, 32:25, 33:1, 97:20 Page [2] - 154:3, 155:20 page [46] - 4:25, 11:10, 12:6, 16:13, 18:8, 18:16, 19:14, 23:9, 23:10, 23:13, 23:18, 24:11, 27:1, 27:13, 32:1, 32:2, 32:21, 32:22, 32:25, 37:10, 37:16, 41:22, 48:4, 51:17, 55:16, 58:12, 60:12, 74:6, 77:8, 79:2, 80:24, 82:3, 82:15, 84:10, 123:4, 123:8, 124:2, 128:21, 131:11, 131:15, 131:21, 131:22, 144:23, 147:4 pages [2] - 23:12, 131:8 paid [1] - 16:3 papers [1] - 6:2 paperwork [1] - 138:22 parents [1] - 128:4 parents' [1] - 128:7 part [15] - 3:23, 4:16, 6:15, 16:8, 22:9, 65:6, 81:7, 81:15, 96:14, 113:5, 115:12, 115:16, 115:17, 131:10 particular [9] - 3:2, 21:21, 22:22, 24:17, 36:16, 36:23, 40:6, 52:16, 77:5 parties [2] - 13:6, 120:12 partner [1] - 15:22 partner's [1] - 152:14 Partners [1] - 130:7 party [4] - 13:6, 13:13, 13:22, 13:23 passed [3] - 91:22, 91:25, 92:12 passport [1] - 135:21 paste [1] - 46:4 pasted [1] - 46:20 pattern [1] - 83:19</p>			

<p>purpose [4] - 40:24, 55:22, 56:3, 138:8</p> <p>purposes [1] - 22:17</p> <p>pursuant [2] - 2:21, 8:9</p> <p>pushing [1] - 112:16</p> <p>put [9] - 20:8, 78:22, 81:16, 81:17, 92:23, 104:25, 110:23, 119:14, 123:12</p> <p>putting [1] - 54:10</p>	<p>109:20, 122:15, 129:23, 137:21</p> <p>recorded [1] - 1:24</p> <p>records [2] - 65:24, 73:1</p> <p>RECROSS [2] - 83:3, 154:13</p> <p>RECROSS-EXAMINATION [2] - 83:3, 154:13</p> <p>red [2] - 105:20, 105:22</p> <p>REDIRECT [2] - 78:14, 154:11</p> <p>redirect [1] - 78:11</p> <p>REDIRECT-EXAMINATION [2] - 78:14, 154:11</p> <p>reference [2] - 69:11, 91:11</p> <p>referring [8] - 3:22, 43:22, 62:5, 64:5, 68:6, 68:21, 105:5, 113:13</p> <p>reflect [1] - 70:11</p> <p>refresh [1] - 30:21</p> <p>regarding [3] - 138:19, 142:4, 148:25</p> <p>regardless [1] - 62:21</p> <p>registration [1] - 77:20</p> <p>regroup [1] - 18:5</p> <p>regular [2] - 13:12, 39:8</p> <p>related [4] - 6:23, 80:6, 144:1, 149:23</p> <p>relates [2] - 152:22, 152:23</p> <p>relation [1] - 106:13</p> <p>relevance [4] - 38:13, 67:6, 96:24, 139:12</p> <p>relevant [1] - 145:24</p> <p>relief [3] - 6:17, 7:16, 8:15</p> <p>relieved [6] - 142:4, 142:15, 142:23, 143:12, 143:25, 146:11</p> <p>rely [3] - 36:24, 37:7, 40:4</p> <p>remain [7] - 3:15, 8:18, 13:14, 85:12, 109:15, 122:10, 129:17</p> <p>remaining [7] - 3:19, 3:24, 12:4, 12:9, 119:7, 120:23</p> <p>remember [16] - 54:14, 88:25, 90:15, 94:9, 95:22, 101:15, 101:19, 102:3, 102:13, 103:5, 103:8, 133:20, 133:21, 136:17, 136:18, 152:23</p> <p>remove [2] - 105:20, 131:15</p> <p>removed [1] - 3:16</p> <p>reopened [1] - 139:5</p> <p>rep [1] - 14:15</p> <p>repair [4] - 70:7, 70:9, 88:18, 99:16</p> <p>repaired [1] - 134:18</p> <p>repairs [3] - 86:23, 98:17</p> <p>repeat [5] - 27:24, 48:16, 89:7, 94:21, 142:13</p> <p>rephrase [2] - 63:22, 87:17</p> <p>replacement [1] - 79:14</p>	<p>report [27] - 21:20, 25:12, 25:14, 25:16, 25:19, 25:23, 27:8, 27:13, 27:17, 27:25, 28:5, 28:10, 35:17, 35:24, 36:5, 36:15, 36:16, 36:24, 36:25, 38:21, 38:22, 38:25, 39:4, 40:2, 48:25, 76:2</p> <p>reported [1] - 50:6</p> <p>Reporter [1] - 1:20</p> <p>reporting [1] - 50:14</p> <p>reports [7] - 4:11, 22:15, 24:3, 26:2, 36:13, 37:7, 39:13</p> <p>represent [4] - 26:23, 28:10, 106:2, 106:17</p> <p>representation [1] - 148:21</p> <p>representative [1] - 13:23</p> <p>representatives [2] - 13:6, 14:21</p> <p>represented [1] - 75:17</p> <p>representing [4] - 145:13, 148:4, 148:7, 148:17</p> <p>reprint [1] - 79:9</p> <p>reproduced [1] - 39:4</p> <p>request [2] - 2:22, 144:20</p> <p>require [1] - 148:21</p> <p>resale [2] - 38:15, 39:23</p> <p>respect [7] - 2:17, 77:4, 78:16, 83:5, 88:9, 90:22, 153:8</p> <p>respective [1] - 3:15</p> <p>responsibilities [1] - 8:23</p> <p>responsibility [3] - 8:21, 9:20, 9:23</p> <p>responsible [6] - 10:6, 88:7, 88:9, 92:13, 125:3, 125:6</p> <p>rest [2] - 131:14, 151:12</p> <p>result [1] - 121:1</p> <p>retail [1] - 8:2</p> <p>retained [3] - 145:16, 145:20, 148:16</p> <p>return [2] - 129:5, 135:13</p> <p>returned [7] - 7:5, 7:18, 61:24, 135:18, 135:22, 135:25, 136:10</p> <p>reveal [1] - 148:21</p> <p>review [2] - 2:24, 74:14</p> <p>reviewed [1] - 30:2</p> <p>RMR [1] - 1:20</p> <p>role [3] - 10:3, 15:21, 110:5</p> <p>rooms [1] - 14:5</p> <p>roughly [2] - 149:19, 149:20</p> <p>routinely [2] - 24:3, 36:12</p> <p>Rule [2] - 12:22, 13:5</p> <p>run [1] - 65:6</p> <p>running [2] - 38:5, 137:1</p>	<p>sale [6] - 23:19, 27:15, 27:25, 37:17, 38:8, 115:6</p> <p>sales [1] - 110:6</p> <p>Sales [5] - 8:3, 25:13, 25:14, 28:17, 105:12</p> <p>sat [1] - 70:1</p> <p>saw [7] - 3:8, 4:11, 9:17, 67:18, 71:10, 90:17, 140:12</p> <p>scan [1] - 141:3</p> <p>scene [1] - 117:25</p> <p>schedule [1] - 153:15</p> <p>scope [17] - 3:2, 3:5, 4:4, 5:3, 5:19, 6:21, 12:2, 12:15, 16:5, 56:16, 77:21, 83:15, 83:24, 119:22, 120:14, 139:13, 139:14</p> <p>scope-issued [1] - 56:16</p> <p>screen [6] - 78:22, 102:16, 105:1, 116:5, 127:10, 135:2</p> <p>screenshot [1] - 52:19</p> <p>scroll [1] - 116:17</p> <p>se [1] - 112:16</p> <p>searching [1] - 20:10</p> <p>seated [8] - 15:8, 85:16, 95:17, 109:19, 122:14, 129:2, 129:22, 137:20</p> <p>seats [1] - 128:19</p> <p>second [17] - 14:10, 15:3, 30:10, 40:22, 41:22, 45:15, 48:4, 51:9, 62:20, 71:23, 74:6, 82:3, 82:15, 104:10, 104:18, 143:15, 146:10</p> <p>security [1] - 17:12</p> <p>see [34] - 10:19, 18:10, 22:6, 22:18, 23:7, 27:3, 32:5, 33:13, 35:19, 39:6, 45:10, 45:23, 46:15, 48:4, 52:13, 63:6, 66:4, 70:23, 74:5, 78:23, 79:4, 91:11, 93:1, 98:16, 99:22, 116:15, 118:4, 124:7, 128:8, 131:6, 131:18, 139:21, 140:10, 141:4</p> <p>seeing [5] - 71:14, 106:9, 136:11, 139:22, 153:19</p> <p>seeking [1] - 7:16</p> <p>sell [3] - 112:17, 115:4, 115:5</p> <p>seller's [2] - 82:3, 82:11</p> <p>selling [1] - 82:12</p> <p>senior [1] - 123:24</p> <p>sense [5] - 36:16, 113:4, 116:7, 139:22, 140:15</p> <p>sent [12] - 31:24, 31:25, 32:2, 32:7, 32:10, 32:12, 41:3, 45:5, 88:17, 132:2, 132:5, 134:23</p> <p>separate [3] - 46:24, 114:6, 145:6</p>			
Q						
<p>quality [1] - 43:6</p> <p>questioning [1] - 55:1</p> <p>questions [34] - 11:3, 17:5, 18:1, 28:21, 29:16, 50:21, 51:7, 52:22, 56:5, 56:23, 59:2, 60:1, 63:12, 72:1, 78:7, 84:1, 95:6, 102:25, 104:13, 106:12, 106:25, 108:2, 109:4, 120:2, 121:10, 125:12, 126:6, 127:20, 127:21, 127:22, 128:9, 137:8, 150:19, 151:18</p> <p>quick [3] - 18:2, 20:13, 108:2</p> <p>quite [2] - 9:17, 38:12</p>						
R						
<p>raise [7] - 15:5, 66:25, 85:12, 109:15, 122:10, 129:17, 137:17</p> <p>reach [2] - 114:7, 114:12</p> <p>reaction [1] - 3:7</p> <p>reading [1] - 2:16</p> <p>ready [4] - 19:5, 85:2, 115:6, 129:9</p> <p>really [4] - 3:19, 63:21, 90:9, 90:10</p> <p>reason [5] - 37:21, 83:13, 91:25, 92:9, 138:17</p> <p>reasons [1] - 138:10</p> <p>receipt [1] - 28:15</p> <p>receipts [1] - 4:12</p> <p>received [8] - 31:24, 32:7, 32:10, 41:3, 43:16, 45:5, 132:9, 132:11</p> <p>recently [2] - 7:25, 114:15</p> <p>recess [8] - 18:3, 18:4, 19:3, 54:2, 84:6, 85:1, 128:17, 129:1</p> <p>Recess [3] - 19:4, 84:9, 128:20</p> <p>recognize [6] - 22:8, 51:23, 53:21, 54:1, 54:22, 75:24</p> <p>recollection [4] - 30:21, 114:24, 116:9, 117:14</p> <p>record [15] - 2:4, 15:9, 50:19, 51:16, 57:20, 72:9, 73:17, 73:19, 74:4, 85:17, 95:18,</p>						
S						
Sage [1] - 1:13						

<p>September [8] - 3:11, 9:8, 103:12, 106:17, 106:20, 121:6, 122:25, 123:6</p> <p>serve [1] - 127:17</p> <p>services [2] - 52:9, 96:20</p> <p>set [5] - 3:10, 4:16, 12:5, 54:2, 117:22</p> <p>settlement [1] - 103:12</p> <p>seven [5] - 149:16, 149:17, 150:6, 150:8, 150:13</p> <p>several [3] - 3:25, 131:7, 138:10</p> <p>shape [1] - 149:21</p> <p>share [1] - 151:22</p> <p>shareholder [2] - 16:3, 16:8</p> <p>shed [1] - 60:3</p> <p>sheet [1] - 90:18</p> <p>sheets [1] - 115:14</p> <p>Sheets [2] - 47:8, 112:2</p> <p>shop [2] - 99:16, 115:3</p> <p>shops [2] - 70:7</p> <p>short [1] - 84:6</p> <p>shortest [1] - 138:16</p> <p>show [13] - 7:13, 10:20, 30:20, 34:20, 58:6, 73:7, 90:18, 91:9, 111:3, 116:1, 125:11, 126:5, 144:17</p> <p>showing [5] - 10:1, 10:3, 75:22, 92:14, 126:8</p> <p>shows [4] - 9:4, 22:21, 82:11, 132:15</p> <p>shut [1] - 8:1</p> <p>side [2] - 14:7, 100:11</p> <p>sidebar [4] - 4:20, 16:12, 58:11, 144:21</p> <p>Sidebar [8] - 5:1, 11:9, 17:1, 18:15, 59:1, 60:11, 145:1, 147:3</p> <p>signature [2] - 82:4, 82:11</p> <p>signed [4] - 82:4, 82:6, 82:7, 82:9</p> <p>Silverado [8] - 33:11, 33:15, 34:12, 35:23, 38:23, 42:2, 45:9, 48:8</p> <p>simply [1] - 89:8</p> <p>simultaneous [1] - 152:1</p> <p>sit [1] - 118:22</p> <p>sitting [2] - 114:10, 120:12</p> <p>situation [1] - 118:11</p> <p>situations [1] - 145:4</p> <p>six [7] - 3:14, 12:6, 33:23, 33:24, 35:23, 37:12, 56:14</p> <p>size [1] - 45:21</p> <p>slips [1] - 4:12</p> <p>small [1] - 2:14</p> <p>social [1] - 123:17</p> <p>sold [24] - 27:5, 27:16, 28:1, 28:6, 32:3, 48:25, 49:5, 49:10, 49:14, 49:18, 50:5, 50:9, 50:14, 59:18, 73:21,</p>	<p>74:4, 74:15, 76:17, 82:16, 82:20, 82:21, 88:17, 112:16, 112:25</p> <p>someone [4] - 49:11, 140:7, 140:12, 140:14</p> <p>sometime [1] - 56:14</p> <p>sometimes [4] - 40:3, 98:8, 100:15, 115:4</p> <p>somewhat [1] - 4:5</p> <p>somewhere [5] - 14:5, 61:21, 99:8, 111:23</p> <p>son [2] - 14:13, 122:2</p> <p>sorry [10] - 14:9, 27:24, 35:12, 62:13, 74:22, 76:15, 80:22, 91:1, 131:19, 143:22</p> <p>sort [4] - 51:17, 88:17, 144:17, 152:25</p> <p>sorts [1] - 4:11</p> <p>speaking [2] - 48:17, 118:21</p> <p>specific [3] - 40:10, 126:16, 132:19</p> <p>specifically [3] - 35:3, 114:22, 149:5</p> <p>spell [7] - 15:9, 85:16, 95:17, 109:19, 122:14, 129:22, 137:20</p> <p>split [1] - 151:22</p> <p>spoken [3] - 120:19, 132:23, 138:14</p> <p>spreadsheet [35] - 46:21, 46:24, 47:1, 47:3, 47:4, 47:5, 47:9, 47:11, 57:19, 68:5, 69:5, 69:6, 70:2, 70:10, 71:7, 71:11, 87:3, 87:6, 88:20, 89:24, 90:4, 91:19, 91:20, 100:4, 100:6, 102:22, 103:3, 103:10, 112:3, 112:7, 114:15, 114:18, 114:20, 114:25, 115:19</p> <p>spreadsheets [2] - 112:1, 115:9</p> <p>stage [1] - 3:10</p> <p>stand [1] - 12:21</p> <p>standing [5] - 85:12, 109:15, 122:10, 129:17, 134:22</p> <p>stands [1] - 43:11</p> <p>start [2] - 21:8, 110:7</p> <p>started [4] - 15:25, 108:13, 110:9, 110:15</p> <p>starting [1] - 116:8</p> <p>starts [2] - 23:15, 86:4</p> <p>state [13] - 2:3, 15:8, 22:24, 26:23, 82:8, 85:16, 95:17, 109:19, 122:14, 129:22, 132:8, 137:20, 145:6</p> <p>State [2] - 77:6, 80:14</p> <p>statement [1] - 27:7</p> <p>STATES [2] - 1:1, 1:10</p>	<p>states [3] - 65:7, 69:25, 74:6</p> <p>States [1] - 1:5</p> <p>stating [1] - 3:18</p> <p>status [2] - 52:12, 76:2</p> <p>stenography [1] - 1:24</p> <p>step [11] - 14:4, 14:18, 84:3, 95:8, 109:7, 121:13, 128:13, 132:23, 142:11, 143:4, 151:3</p> <p>steps [5] - 84:4, 109:8, 121:16, 128:15, 151:4</p> <p>stick [1] - 77:15</p> <p>stickers [2] - 29:5, 29:10</p> <p>sticking [1] - 150:24</p> <p>sticks [1] - 116:20</p> <p>still [22] - 6:2, 14:14, 27:20, 59:9, 60:8, 62:22, 62:25, 64:11, 90:24, 91:2, 94:18, 115:18, 120:19, 120:24, 121:5, 129:6, 132:9, 138:11, 142:7, 144:3, 153:14</p> <p>stock [21] - 20:6, 20:10, 22:1, 32:23, 32:24, 34:3, 34:7, 34:25, 35:5, 35:7, 35:8, 41:23, 43:17, 43:19, 44:5, 55:19, 67:3, 81:16, 90:3, 90:5, 103:6</p> <p>stocked [1] - 44:3</p> <p>stole [1] - 59:18</p> <p>stolen [2] - 5:13, 7:5</p> <p>stop [1] - 110:8</p> <p>stopping [1] - 59:3</p> <p>store's [1] - 111:2</p> <p>stores [3] - 112:4, 114:8, 114:9</p> <p>story [1] - 5:5</p> <p>stressed [2] - 136:24, 136:25</p> <p>stressful [1] - 133:23</p> <p>strict [1] - 112:15</p> <p>strong [1] - 7:12</p> <p>stuff [1] - 98:18</p> <p>SU [13] - 22:1, 33:10, 33:24, 33:25, 34:1, 34:13, 34:17, 34:18, 35:3, 35:9, 41:23, 42:1, 72:22</p> <p>subject [4] - 7:5, 25:7, 34:4, 34:9</p> <p>submissions [2] - 151:24, 153:19</p> <p>submit [2] - 151:23, 152:21</p> <p>submitted [3] - 26:19, 106:3, 106:23</p> <p>Success [1] - 1:16</p> <p>suggest [3] - 143:1, 151:22, 152:11</p> <p>suggestions [1] - 23:4</p> <p>Suite [1] - 1:21</p> <p>summary [1] - 65:24</p> <p>Sunrise [8] - 61:14, 63:17,</p>	<p>64:2, 69:15, 69:16, 104:1, 119:8, 119:12</p> <p>Superb [149] - 2:1, 2:6, 2:10, 3:14, 8:1, 10:14, 13:11, 15:16, 15:21, 16:9, 23:20, 24:2, 24:23, 25:14, 28:6, 28:17, 32:8, 32:11, 36:11, 37:17, 38:6, 38:8, 38:16, 39:24, 42:22, 43:22, 44:23, 47:24, 48:13, 48:18, 48:21, 49:11, 49:19, 50:2, 52:9, 53:7, 55:10, 55:19, 57:5, 57:7, 57:14, 57:20, 58:8, 59:12, 61:23, 61:24, 62:1, 62:3, 62:11, 62:12, 62:14, 62:16, 62:17, 62:22, 63:1, 64:21, 64:23, 65:5, 65:9, 66:14, 67:3, 69:15, 69:21, 73:1, 73:4, 74:18, 76:6, 76:17, 77:20, 82:5, 82:9, 82:12, 82:17, 83:18, 86:10, 86:12, 86:13, 86:16, 86:18, 86:21, 87:4, 87:23, 88:3, 90:7, 90:19, 91:10, 91:22, 91:25, 92:12, 93:12, 94:1, 94:8, 94:18, 94:24, 95:25, 96:8, 96:11, 96:20, 98:10, 98:15, 100:3, 100:11, 100:16, 100:23, 101:2, 103:14, 103:19, 110:5, 110:12, 110:16, 110:19, 111:24, 117:16, 117:20, 118:4, 118:10, 118:20, 118:21, 119:1, 119:7, 119:13, 119:15, 121:8, 125:1, 126:10, 132:9, 133:5, 133:8, 133:9, 133:24, 133:25, 134:3, 134:16, 136:3, 138:6, 138:9, 138:15, 138:19, 138:25, 139:20, 140:2, 140:10, 140:15, 144:4, 144:10, 144:19, 149:21, 150:1</p> <p>SUPERB [1] - 1:3</p> <p>Superb's [3] - 117:23, 118:2, 144:4</p> <p>support [1] - 149:25</p> <p>suppose [1] - 140:12</p> <p>supposed [8] - 9:25, 10:4, 43:15, 43:18, 55:9, 94:9, 117:24, 119:1</p> <p>sustain [1] - 53:19</p> <p>sustained [2] - 50:16, 95:2</p> <p>Sustained [24] - 16:6, 16:11, 23:22, 24:14, 28:7, 28:13, 36:2, 36:9, 37:4, 38:3, 40:8, 48:2, 52:18, 58:10, 71:1, 74:11, 83:16, 83:25, 92:8, 95:2, 113:22, 116:11,</p>
---	---	---	---

<p>119:18, 139:15 swear [1] - 15:4 switch [1] - 73:8 switched [1] - 111:16 sworn [7] - 15:7, 85:15, 95:16, 109:18, 122:13, 129:21, 137:19 Syosset [7] - 103:24, 117:11, 124:12, 125:20, 126:14, 140:18, 140:20 system [19] - 34:25, 43:11, 43:13, 46:24, 51:20, 52:7, 52:15, 53:9, 55:22, 65:14, 66:11, 68:16, 111:1, 111:5, 111:8, 111:13, 112:17, 113:10</p>	<p>5:21, 6:7, 6:15, 6:17, 6:20, 6:25, 7:10, 7:14, 8:4, 8:11, 8:24, 9:5, 9:11, 9:13, 9:22, 10:5, 10:11, 10:15, 10:17, 11:2, 11:6, 11:8, 12:2, 12:15, 12:19, 12:20, 13:5, 13:13, 13:19, 13:22, 13:25, 14:2, 14:10, 14:12, 14:15, 14:17, 14:20, 14:24, 15:1, 15:3, 15:5, 15:8, 15:10, 15:12, 16:6, 16:11, 17:2, 17:8, 17:11, 17:19, 17:23, 18:4, 18:6, 18:9, 18:12, 19:2, 19:5, 19:7, 19:12, 19:18, 19:22, 19:25, 20:3, 20:6, 20:11, 20:13, 20:18, 21:2, 21:6, 21:9, 21:12, 21:14, 21:17, 22:1, 22:4, 23:3, 23:6, 23:10, 23:12, 23:15, 23:22, 24:14, 24:19, 24:25, 25:4, 25:9, 25:22, 26:1, 26:4, 26:8, 26:13, 27:10, 27:19, 28:7, 28:13, 28:16, 28:20, 28:23, 28:24, 29:4, 29:7, 29:10, 29:14, 29:16, 29:21, 29:24, 30:1, 30:2, 30:4, 30:5, 30:7, 30:8, 30:12, 30:16, 30:23, 31:1, 31:4, 31:6, 31:10, 31:13, 31:15, 31:18, 32:15, 32:17, 33:5, 33:7, 33:8, 33:18, 33:21, 33:24, 34:16, 34:20, 35:1, 35:12, 35:15, 35:17, 35:19, 36:2, 36:9, 36:19, 36:21, 37:4, 37:11, 37:14, 37:19, 38:3, 38:17, 38:21, 38:24, 39:6, 39:9, 39:16, 40:8, 40:17, 40:19, 40:22, 41:8, 41:13, 42:24, 43:2, 43:4, 43:6, 43:8, 43:24, 44:25, 45:2, 45:18, 45:20, 45:21, 45:24, 45:25, 46:1, 46:3, 46:5, 46:6, 46:8, 46:10, 46:12, 46:14, 47:16, 48:2, 48:9, 49:16, 50:11, 50:16, 51:2, 51:7, 51:13, 51:15, 51:22, 51:25, 52:4, 52:5, 52:18, 52:20, 53:2, 53:19, 53:24, 54:5, 54:15, 54:19, 55:4, 55:7, 55:13, 55:21, 55:24, 56:1, 56:9, 57:10, 58:4, 58:10, 59:2, 59:5, 59:13, 59:15, 60:3, 60:8, 60:10, 61:2, 62:7, 62:20, 62:23, 62:25, 63:2, 63:4, 63:5, 63:8, 63:9, 63:10, 63:20, 64:17, 65:18, 65:23, 66:6, 66:9, 66:23, 67:4, 67:7, 67:9, 68:21, 68:24, 68:25, 69:3, 71:1, 71:18, 71:22, 71:24,</p>	<p>72:1, 72:3, 72:6, 72:9, 72:14, 72:16, 72:18, 72:22, 73:9, 73:11, 73:19, 73:21, 73:22, 73:24, 73:25, 74:1, 74:11, 74:20, 75:1, 75:3, 75:5, 75:6, 75:7, 75:10, 75:12, 75:14, 75:18, 76:13, 76:21, 76:24, 77:2, 77:10, 77:12, 77:15, 77:18, 77:22, 78:4, 78:8, 78:10, 78:21, 78:23, 78:25, 79:17, 79:20, 79:21, 80:4, 80:6, 80:8, 80:11, 80:19, 80:23, 81:3, 81:6, 81:10, 81:14, 81:17, 81:21, 83:1, 83:16, 83:25, 84:2, 84:7, 85:2, 85:4, 85:8, 85:11, 85:16, 85:18, 85:20, 85:21, 85:22, 85:23, 85:24, 85:25, 86:1, 87:17, 89:6, 89:18, 89:22, 92:5, 92:8, 92:18, 92:23, 93:1, 93:3, 93:4, 93:6, 93:7, 93:9, 93:10, 93:14, 93:20, 93:23, 94:2, 94:3, 94:5, 94:13, 94:15, 94:21, 95:2, 95:5, 95:7, 95:10, 95:12, 95:13, 95:14, 95:17, 95:19, 95:21, 96:23, 97:2, 97:8, 99:18, 99:21, 99:22, 99:23, 102:5, 102:6, 102:15, 102:18, 102:19, 102:23, 103:1, 104:3, 104:8, 104:11, 104:13, 104:16, 104:23, 105:2, 105:8, 105:12, 105:17, 105:22, 105:25, 107:4, 107:12, 107:15, 107:17, 107:18, 107:19, 107:21, 107:22, 107:24, 107:25, 108:3, 108:9, 109:3, 109:6, 109:9, 109:12, 109:14, 109:15, 109:19, 109:21, 109:23, 113:22, 116:1, 116:11, 116:14, 116:21, 116:24, 117:1, 118:15, 118:18, 118:24, 118:25, 119:18, 119:21, 119:25, 120:3, 120:4, 120:15, 121:11, 121:13, 121:15, 121:17, 121:20, 121:22, 121:24, 122:3, 122:5, 122:8, 122:10, 122:14, 122:16, 122:18, 123:11, 124:5, 124:7, 125:10, 125:17, 125:23, 126:3, 126:24, 127:2, 127:3, 127:8, 127:9, 127:10, 127:11, 127:12, 127:16, 127:21, 127:23, 127:25, 128:10, 128:12, 128:14, 128:18, 129:2, 129:7, 129:9, 129:12,</p>	<p>129:14, 129:15, 129:16, 129:22, 129:24, 130:1, 130:2, 130:3, 130:15, 130:19, 130:21, 130:24, 131:1, 131:4, 131:9, 131:13, 131:18, 131:21, 131:24, 133:18, 136:19, 137:4, 137:7, 137:9, 137:11, 137:12, 137:14, 137:17, 137:20, 137:22, 137:25, 139:9, 139:13, 139:15, 139:18, 140:5, 140:23, 140:25, 141:1, 141:2, 141:3, 141:8, 141:13, 141:15, 141:16, 142:1, 142:8, 142:11, 142:22, 143:1, 143:4, 143:15, 143:18, 143:19, 143:20, 143:21, 143:22, 144:9, 144:10, 144:11, 144:22, 145:2, 145:9, 145:13, 145:18, 145:22, 146:1, 146:7, 146:13, 146:16, 147:2, 148:2, 148:8, 148:10, 148:12, 148:15, 148:18, 148:19, 149:8, 150:18, 150:23, 151:2, 151:5, 151:8, 151:11, 151:13, 151:20, 152:1, 152:8, 152:19, 153:5, 153:7, 153:9, 153:13, 153:17, 153:21 theirs [1] - 151:17 themselves [1] - 70:24 therefore [2] - 4:4, 61:7 thinking [1] - 152:3 third [2] - 13:20, 33:10 Thomasson [12] - 106:4, 106:25, 122:6, 137:13, 137:15, 137:22, 137:25, 138:4, 140:23, 145:17, 148:4, 151:2 THOMASSON [2] - 137:18, 155:15 three [11] - 27:1, 69:8, 69:20, 70:3, 101:18, 112:5, 114:6, 118:24, 129:6, 138:25, 139:20 three-week [1] - 138:25 throughout [2] - 87:23, 120:19 tie [1] - 97:3 timing [1] - 133:14 tires [2] - 99:4, 115:6 title [27] - 4:12, 28:4, 72:9, 73:17, 73:19, 75:3, 75:5, 76:2, 76:4, 79:6, 79:9, 79:11, 79:13, 79:14, 79:24, 80:14, 81:1, 81:4, 81:8, 81:25, 82:4, 82:8, 82:9,</p>
T			
<p>T-H-O-M-A-S-S-O-N [1] - 137:23 tabs [1] - 29:4 tag [2] - 110:23, 110:24 tasks [1] - 86:21 Team [4] - 8:3, 25:13, 28:17, 105:12 team [2] - 47:24, 48:14 tear [1] - 131:14 Tec [1] - 7:7 Tekion [25] - 51:20, 52:7, 52:10, 52:15, 53:8, 53:9, 53:10, 53:11, 53:16, 53:17, 54:3, 65:15, 66:11, 66:13, 66:15, 68:2, 68:5, 68:15, 69:23, 111:15, 111:19, 111:25, 112:8, 112:25, 113:18 ten [5] - 84:8, 101:19, 102:25, 104:3, 104:5 terms [3] - 7:23, 113:10, 146:22 testified [19] - 15:7, 30:17, 53:15, 53:16, 54:13, 54:25, 55:5, 78:2, 78:4, 79:23, 85:15, 95:16, 109:18, 122:13, 129:21, 132:14, 136:23, 137:19, 149:14 testify [1] - 56:21 testifying [3] - 13:2, 54:18, 140:7 testimony [13] - 4:21, 10:10, 13:3, 44:21, 50:13, 79:12, 87:2, 100:18, 107:9, 120:25, 124:8, 140:18, 143:1 Texas [1] - 120:10 that.. [1] - 134:19 THE [570] - 1:10, 2:1, 2:7, 2:11, 2:14, 2:20, 3:5, 3:7, 3:10, 4:22, 4:24, 5:4, 5:9,</p>			

<p>83:9, 83:14, 83:18, 123:12 titled [2] - 82:8, 82:11 titles [2] - 6:6, 6:8 today [23] - 4:5, 4:8, 5:10, 8:13, 9:24, 10:1, 13:2, 24:20, 30:6, 53:23, 55:15, 56:2, 59:22, 64:11, 73:18, 73:20, 73:23, 88:20, 93:16, 94:18, 107:9, 119:21, 140:21 today's [3] - 4:4, 6:21, 152:22 tons [1] - 6:4 Tony [6] - 48:15, 48:18, 50:23, 132:3, 132:23, 138:18 took [9] - 15:16, 57:4, 59:11, 59:18, 61:23, 97:13, 99:16, 101:1, 110:24 top [4] - 26:18, 27:2, 55:16, 79:2 tops [1] - 127:22 total [1] - 106:6 touch [10] - 42:17, 43:2, 44:15, 67:15, 67:17, 67:21, 69:9, 91:13, 114:2, 114:5 touched [4] - 59:9, 101:8, 114:15, 115:16 touching [2] - 65:11, 91:3 towards [1] - 41:22 town [4] - 134:9, 135:17, 135:23, 135:24 track [2] - 112:2, 115:1 tracked [1] - 110:20 traction [1] - 113:7 trade [2] - 115:13, 115:14 trade-in [1] - 115:14 training [1] - 111:21 transactions [1] - 133:7 transcript [2] - 151:21, 152:7 TRANSCRIPT [1] - 1:9 Transcript [1] - 1:25 transferred [3] - 5:13, 57:5, 57:20 transport [4] - 99:1, 100:15, 101:21, 101:25 transported [6] - 98:20, 98:23, 100:16, 100:23, 101:16, 101:18 transporting [1] - 101:13 treat [1] - 145:3 treating [1] - 18:8 trial [13] - 4:7, 5:16, 5:17, 6:22, 7:19, 9:14, 9:23, 10:18, 10:22, 17:3, 17:15, 56:12, 56:15 trials [1] - 152:4 trier [1] - 54:10 Trinidad [3] - 135:20, 135:25, 136:10</p>	<p>true [11] - 39:23, 46:20, 46:23, 87:5, 90:12, 90:17, 90:21, 91:21, 123:18, 125:3, 138:6 truly [1] - 105:14 try [4] - 56:14, 108:19, 115:1, 150:12 trying [15] - 4:5, 5:10, 9:9, 9:10, 23:6, 34:21, 38:19, 38:24, 39:9, 56:9, 67:9, 93:17, 124:7, 139:16, 146:23 turn [1] - 56:19 turning [1] - 59:23 twice [1] - 45:9 two [21] - 6:23, 21:19, 26:10, 51:17, 71:17, 74:6, 79:2, 96:9, 96:10, 99:10, 101:18, 101:19, 101:23, 108:2, 120:2, 127:22, 127:24, 127:25, 146:8, 152:3, 152:16 two-page [1] - 51:17 type [4] - 3:4, 45:22, 113:7, 145:4 typically [1] - 96:19</p>	<p>Urrutia [9] - 13:11, 16:9, 57:23, 58:7, 129:5, 138:18, 138:20, 144:10, 145:7 Urrutia's [1] - 49:24 user [1] - 54:3 utilize [1] - 91:9 utilized [1] - 91:19</p>	<p>41:19, 42:17, 42:21, 42:25, 43:14, 44:15, 46:25, 47:3, 47:17, 48:19, 48:22, 50:8, 50:14, 51:5, 51:8, 54:8, 54:11, 54:14, 54:16, 54:21, 54:24, 55:8, 55:23, 56:4, 56:7, 56:8, 57:4, 57:7, 57:11, 57:12, 57:14, 57:17, 57:20, 58:8, 59:8, 59:10, 59:17, 60:2, 60:5, 60:6, 61:7, 61:15, 61:22, 61:23, 61:24, 62:1, 62:3, 62:7, 62:15, 63:14, 63:17, 63:24, 64:2, 64:6, 64:13, 64:15, 64:20, 65:1, 65:10, 66:16, 67:2, 67:15, 67:18, 68:23, 69:9, 69:11, 69:14, 69:19, 69:23, 70:6, 70:22, 70:23, 71:11, 72:3, 72:18, 73:4, 77:16, 78:6, 86:3, 89:19, 90:19, 91:10, 91:15, 92:2, 92:15, 93:2, 93:5, 93:8, 93:13, 93:16, 94:1, 94:3, 94:7, 94:9, 94:11, 94:19, 94:25, 97:1, 97:4, 98:16, 98:20, 98:22, 99:15, 99:19, 100:15, 100:16, 100:23, 101:1, 101:7, 101:8, 101:9, 101:10, 101:13, 102:17, 103:14, 106:6, 106:13, 107:1, 107:10, 107:12, 107:14, 108:7, 108:12, 108:15, 108:17, 108:18, 108:20, 110:20, 112:2, 113:11, 116:3, 116:8, 116:13, 116:22, 116:23, 117:5, 117:14, 117:15, 117:19, 118:4, 118:9, 119:15, 121:1, 124:19, 124:22, 124:25, 125:20, 126:13, 127:1, 128:6, 134:4, 135:5, 135:8, 135:10, 136:3, 136:7, 136:11, 136:15, 139:21, 140:1, 141:6, 141:9, 141:21, 142:5, 142:16, 144:3, 144:5, 144:7, 149:3, 149:13, 149:19, 149:20, 149:24, 150:1, 150:6, 150:10, 150:13, 153:1 verified [2] - 90:24, 91:2 verifying [1] - 113:19 versus [2] - 2:2, 96:25 Victor [2] - 75:11, 75:12 videographer [1] - 125:9 view [2] - 10:19, 47:11 VIN [20] - 24:7, 24:9, 24:11, 34:13, 34:14, 34:17, 35:23, 35:24, 36:23, 44:16, 44:18, 45:12, 48:5, 63:7, 76:9,</p>
V			
<p>vacation [2] - 101:4, 106:15 vacations [1] - 152:4 values [1] - 112:13 various [1] - 47:7 vAuto [12] - 110:25, 111:2, 111:3, 111:5, 111:11, 111:16, 111:25, 112:8, 112:18, 112:22, 112:25, 113:13 vAuto's [2] - 112:11, 112:15 vehicle [103] - 4:12, 7:11, 11:4, 20:9, 21:21, 22:6, 22:22, 23:19, 24:15, 24:22, 26:22, 26:23, 27:2, 27:15, 28:6, 28:11, 30:15, 33:19, 34:2, 34:22, 34:24, 36:6, 36:12, 36:16, 36:25, 37:16, 38:8, 38:9, 38:20, 38:21, 40:6, 41:23, 42:7, 42:11, 42:21, 43:16, 43:19, 44:1, 44:5, 44:11, 44:17, 44:20, 45:10, 45:16, 46:11, 46:20, 48:5, 48:13, 48:17, 48:25, 49:5, 49:10, 49:13, 49:17, 50:5, 52:16, 55:15, 55:18, 56:2, 65:4, 71:3, 71:7, 71:13, 73:14, 73:17, 73:20, 73:23, 74:3, 76:4, 76:12, 76:17, 80:7, 82:5, 82:9, 82:12, 82:16, 82:20, 83:14, 83:20, 88:3, 90:1, 91:14, 91:18, 98:25, 99:7, 99:11, 99:16, 101:25, 103:3, 103:8, 112:19, 112:25, 113:2, 113:18, 113:20, 113:25, 114:2, 114:5, 114:21, 115:8 vehicles [238] - 2:18, 2:23, 3:14, 3:19, 3:24, 3:25, 4:3, 4:9, 4:17, 4:18, 5:8, 6:1, 6:3, 6:9, 6:13, 7:4, 7:8, 7:18, 7:20, 7:24, 8:17, 9:1, 9:20, 10:1, 10:12, 10:13, 12:4, 12:5, 12:9, 17:7, 17:13, 19:9, 20:5, 21:22, 22:8, 22:15, 24:4, 25:14, 25:16, 26:24, 28:18, 30:3, 30:6, 30:21, 33:4, 33:6, 34:24, 35:2, 35:4, 38:11, 38:15, 39:14, 39:20, 39:21, 39:23, 39:25, 40:1, 40:10,</p>			
U			
<p>ultimate [1] - 125:12 ultimately [1] - 7:16 um-hmm [3] - 97:17, 121:3, 135:3 unable [1] - 113:24 under [4] - 12:22, 13:5, 54:25, 153:14 understood [3] - 29:19, 150:5, 153:4 undertook [2] - 150:12, 150:15 UNITED [2] - 1:1, 1:10 United [1] - 1:5 unknown [1] - 2:19 unless [6] - 54:6, 54:9, 59:22, 113:3, 114:2, 152:3 unnumbered [1] - 23:12 up [28] - 4:16, 4:24, 9:3, 20:11, 54:2, 67:25, 73:10, 83:1, 83:5, 99:20, 104:25, 105:7, 105:11, 105:17, 106:7, 111:3, 114:14, 116:5, 117:22, 118:12, 120:24, 121:11, 128:10, 141:3, 141:19, 142:22, 143:10, 149:18 update [5] - 70:10, 71:7, 71:14, 100:4, 130:23 updated [5] - 65:16, 71:11, 88:4, 88:5, 88:19 updating [1] - 88:7</p>			

<p>76:11, 103:4, 115:1 VINs [1] - 42:20 violation [1] - 5:14 virtually [1] - 57:12 visiting [1] - 15:25 voir [1] - 145:22</p>	<p>151:5 Witness [5] - 84:4, 109:8, 121:16, 128:15, 151:4 WITNESS [72] - 15:10, 21:17, 28:23, 30:1, 30:4, 30:7, 33:7, 43:2, 43:6, 45:20, 45:24, 46:1, 46:5, 51:25, 52:4, 62:23, 63:2, 63:5, 63:9, 68:24, 69:3, 73:21, 73:24, 74:1, 75:3, 75:6, 78:25, 79:20, 85:18, 85:21, 85:23, 85:25, 93:3, 93:6, 93:9, 94:3, 95:13, 95:19, 99:22, 102:6, 102:18, 107:18, 107:21, 107:24, 109:14, 109:21, 116:14, 116:24, 118:25, 120:4, 121:15, 122:16, 127:2, 127:9, 127:11, 128:14, 129:15, 129:24, 130:2, 137:11, 137:22, 140:25, 141:2, 141:8, 141:15, 143:18, 143:20, 143:22, 144:10, 148:8, 148:12, 148:18 witnessed [1] - 97:6 Witnesses [1] - 154:3 witnesses [14] - 4:22, 9:25, 12:23, 13:2, 13:7, 13:8, 13:16, 17:15, 35:7, 59:25, 129:3, 151:7, 151:13, 151:19 words [1] - 82:16 write [1] - 100:8 wrote [4] - 27:5, 42:4, 42:25, 100:7</p>
W	
<p>wait [2] - 14:4, 74:1 waiting [2] - 21:7, 129:4 walking [1] - 139:22 warning [2] - 59:25, 86:2 waste [1] - 151:16 website [6] - 111:3, 111:9, 111:12, 112:16, 112:21, 112:23 websites [1] - 111:10 week [5] - 83:12, 106:15, 106:16, 138:25, 152:16 weekend [1] - 152:15 weeks [9] - 138:7, 138:9, 139:20, 152:3, 152:11, 152:16, 152:17, 152:18, 152:20 whatsoever [1] - 125:19 whereabouts [25] - 2:19, 12:4, 42:11, 54:8, 54:24, 88:3, 92:14, 93:7, 93:12, 93:15, 102:16, 107:19, 108:7, 112:2, 116:12, 125:13, 127:1, 135:7, 141:6, 141:20, 141:24, 142:5, 142:15, 149:12, 149:15 whereas [1] - 119:7 whole [7] - 3:1, 56:3, 69:18, 106:15, 116:15, 118:11, 131:9 wholesale [1] - 8:2 WICKS [1] - 1:10 Wicks [1] - 46:19 windshields [1] - 98:18 withdrawn [2] - 102:10, 114:19 witness [55] - 3:8, 4:21, 5:23, 13:12, 13:15, 15:4, 17:6, 18:8, 21:13, 21:14, 23:4, 29:12, 30:19, 34:20, 35:14, 40:11, 51:7, 54:13, 54:25, 56:19, 59:23, 65:19, 71:21, 71:24, 77:12, 81:12, 84:2, 85:5, 85:8, 92:21, 93:10, 95:7, 97:5, 99:18, 102:24, 104:9, 104:14, 109:5, 109:9, 116:1, 117:19, 120:1, 121:17, 122:1, 122:19, 124:8, 124:9, 128:17, 130:3, 131:15, 137:9, 137:12, 143:2,</p>	
	Y
	<p>year [11] - 3:11, 61:11, 61:12, 73:2, 110:7, 110:8, 110:17, 111:20, 133:12, 133:13, 152:14 yesterday [1] - 132:10 YORK [1] - 1:1 York [8] - 1:6, 1:16, 1:18, 1:21, 77:6, 80:14, 138:13, 138:24 yourself [2] - 37:8, 87:9 Yvonne [2] - 13:18, 13:21</p>
	Z
	<p>zero [2] - 136:15, 140:16</p>